



LODI CITY COUNCIL

Carnegie Forum
305 West Pine Street, Lodi

AGENDA – REGULAR MEETING

Date: March 17, 2010

Time: 7:00 p.m.

For information regarding this Agenda please contact:

Randi Johl, City Clerk
Telephone: (209) 333-6702

6:55 p.m. Invocation/Call to Civic Responsibility. Invocations may be offered by any of the various religious and non-religious organizations within and around the City of Lodi. Invocations are voluntary offerings of private citizens, to and for the benefit of the Council. The views or beliefs expressed by the Invocation Speaker have not been previously reviewed or approved by the Council, and the Council does not endorse the beliefs or views of any speaker.

***NOTE:** All staff reports or other written documentation relating to each item of business referred to on the agenda are on file in the Office of the City Clerk, located at 221 W. Pine Street, Lodi, and are available for public inspection. If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. To make a request for disability-related modification or accommodation contact the City Clerk's Office as soon as possible and at least 24 hours prior to the meeting date.*

C-1 Call to Order / Roll Call – N/A

C-2 Announcement of Closed Session – N/A

C-3 Adjourn to Closed Session – N/A

NOTE: THE FOLLOWING ITEMS WILL COMMENCE NO SOONER THAN 7:00 P.M.

C-4 Return to Open Session / Disclosure of Action – N/A

A. Call to Order / Roll call

B. Pledge of Allegiance

C. Presentations

C-1 Awards – None

C-2 Proclamations

a) Arbor Day (PR)

C-3 Presentations

a) Presentation by the Greater Lodi Area Youth Commission (COM)

D. Consent Calendar (Reading; Comments by the Public; Council Action)

D-1 Receive Register of Claims in the Amount of \$1,876,303.99 (FIN)

D-2 Approve Minutes (CLK)

a) February 17, 2010 (Regular Meeting)

b) March 2, 2010 (Shirtsleeve Session)

c) March 3, 2010 (Regular Meeting)

d) March 9, 2010 (Shirtsleeve Session)

D-3 Approve Specifications and Authorize Advertisement for Bids for 60,000 Feet of #1/0 AWG, 15kV, EPR-Insulated, Jacketed Concentric Neutral Underground Cable (EUD)

Res. D-4 Adopt Resolution Awarding Contract for DeBenedetti Park – Phase I Improvements, 2350 South Lower Sacramento Road, to Hemington Landscape Services, Inc., of Cameron Park (\$883,562) (PW)

- Res. D-5 Adopt Resolution Authorizing the City Manager to Execute Professional Services Agreement with Mark Thomas & Company, of Sacramento, for Preparation of the Harney Lane/Union Pacific Railroad Grade Separation Feasibility Study Report (\$49,184) and Appropriating Funds (\$58,000) (PW)
- Res. D-6 Adopt Resolution Authorizing the City Manager to Execute the Amendment Terminating Reimbursement Agreement Effective July 1, 2010, with North San Joaquin Water Conservation District for City Administrative Services Provided to the District (PW)
- Res. D-7 Adopt Resolution Authorizing the City Manager to Enter into a Letter of Agreement Between the City of Lodi and Ralcorp/Cottage Bakery for the Sale of Designated Electric Distribution Facilities (\$166,234) (EUD)
- Res. D-8 Adopt Resolution Approving Contract with Pyro Spectaculars, Inc. for 2010 Fourth of July Fireworks Show (\$16,000) (PR)
- Res. D-9 Adopt Resolution Authorizing the City Manager to File Claim for 2009/10 Transportation Development Act Funds in the Amount of \$1,930,253 from Local Transportation Fund and \$1,500 from State Transit Assistance Fund (PW)
- D-10 Approve Summer Transit Pass Program and Authorize Transportation Manager to Annually Adjust Time Period (PW)
- Res. D-11 Adopt Resolution Authorizing Destruction of Certain Citywide Records in Accordance with the Government Code and the City's Records Management Policy (CLK)
- Res. D-12 Adopt Resolution Revising the Order of Business for City Council Meetings (CLK)
- Res. D-13 Adopt Resolution Opposing AB X8 6/SB X8 6, Fuel Tax Swap (CM)
- D-14 Set Public Hearing for April 7, 2010, to Consider the Adoption of the General Plan (CD)
- D-15 Set Public Hearing for May 5, 2010, to Consider the Appeal of Brandt-Hawley Law Group on Behalf of Charles and Melissa Katzakian Regarding the Decision of the Planning Commission to Approve a Use Permit and SPARC Review for Costco Wholesale Development (CD)

E. Comments by the Public on Non-Agenda Items

THE TIME ALLOWED PER NON-AGENDA ITEM FOR COMMENTS MADE BY THE PUBLIC IS LIMITED TO FIVE MINUTES.

The City Council cannot deliberate or take any action on a non-agenda item unless there is factual evidence presented to the City Council indicating that the subject brought up by the public does fall into one of the exceptions under Government Code Section 54954.2 in that (a) there is an emergency situation, or (b) the need to take action on the item arose subsequent to the agenda's being posted.

Unless the City Council is presented with this factual evidence, the City Council will refer the matter for review and placement on a future City Council agenda.

F. Comments by the City Council Members on Non-Agenda Items

G. Comments by the City Manager on Non-Agenda Items

H. Public Hearings

- Res. H-1 Public Hearing to Approve the Draft 2010/11 Action Plan and the Reallocation of Available Funding for the Community Development Block Grant Program (CD)
- Res. H-2 Public Hearing to Consider Resolution Adopting Federal Fiscal Year 2010 Program of Transit Projects (PW)
- Res. H-3 Public Hearing to Consider Resolution Approving Contractual Consumer Price Index-Based Annual Adjustment to Rates for Solid Waste Collection (PW)

I. Communications

- I-1 Claims Filed Against the City of Lodi – None
- I-2 Appointments
 - a) Appointments to Lodi Animal Advisory Commission: *Dan Phillips*; and Lodi Improvement Committee: *Sunil Yadav* (CLK)
 - b) Post for Two Vacancies on the Lodi Arts Commission (CLK)
- I-3 Miscellaneous – None

J. Regular Calendar

- J-1 Receive Report Concerning Downtown Directional Sign Program and Provide Direction and Action as Appropriate (CM)
- J-2 Approve Water Meter Cost, Extended Payment, and Payment Deferral Plan (PW)
- Res. J-3 Select Gateway Design Feature for Lodi Avenue and Cherokee Lane and Adopt Resolution Authorizing the City Manager to Execute a Contract Change Order with Granite Construction Company, of Watsonville, for Work Related to Project Scope Expansion for Lodi Avenue Reconstruction Project and Appropriating \$675,000 (PW)
- J-4 Receive Report on Response to Comments on the Draft Environmental Impact Report/Environmental Assessment for I-5 Widening from Stockton to Southerly Limits of the White Slough Water Pollution Control Facility (CD)
- Res. J-5 Adopt Resolution Awarding Contract for the Central Plume PCE/TCE Remedial Measures Project to Diede Construction, Inc., of Woodbridge (\$1,758,672.42), and Appropriating Funds (\$2,000,000) (PW)

K. Ordinances

- Ord. K-1 Adopt Ordinance No. 1829 Entitled, "An Ordinance of the City Council of the City of Lodi (Adopt) Amending Lodi Municipal Code Title 15 – Buildings and Construction – by Repealing and Reenacting Chapter 15.60, "Flood Damage Prevention"; and Amending Lodi Municipal Code Title 17 – Zoning – by Repealing Chapter 17.51 in Its Entirety Relating to FP, Floodplain District" (CLK)

L. Adjournment

Pursuant to Section 54954.2(a) of the Government Code of the State of California, this agenda was posted at least 72 hours in advance of the scheduled meeting at a public place freely accessible to the public 24 hours a day.

Randi Johl
City Clerk



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Arbor Day Proclamation
MEETING DATE: March 17, 2010
PREPARED BY: Interim Parks and Recreation Director

RECOMMENDED ACTION: Mayor Katzakian make a presentation proclaiming April 9, 2010, as Arbor Day in the City of Lodi.

BACKGROUND INFORMATION: Staff would like to invite the City Council and members of the community to the Arbor Day Celebration on Friday, April 9, 2010, at Lawrence School. Participants will be provided tree, mistletoe and recycling education. Tree seedlings, spring cleanup materials and refreshments will be available. Additionally, the participants will be invited to help plant seven new donated trees. This year's celebration is being organized and funded through a group effort from the Public Works, Parks & Recreation and Electric Utility Departments; Tree Lodi; Lodi Improvement Committee; Waste Management; Lodi Unified School District; Wal-Mart and the Lodi Arts Commission.

Arbor Day's Beginnings

On January 4, 1872, Julius Sterling Morton first proposed a tree-planting holiday, to be called "Arbor Day," at a meeting of the Nebraska Board of Agriculture. The date was set for April 10, 1872. It was estimated that more than 1 million trees were planted in Nebraska on the first Arbor Day.

Arbor Day was officially proclaimed by Nebraska Governor Robert W. Furnas on March 12, 1874, and the day itself was observed April 10, 1874. In 1885, Arbor Day became a legal holiday in Nebraska, and April 22nd, Morton's birthday, was selected as the date for its permanent observance. During the 1870s, other states passed legislation to observe Arbor Day and the tradition began in schools nationwide in 1882. Arbor Day is now observed in many other countries.

Lodi received the "Tree City USA" designation for an eighth consecutive year. This designation affords the City preference over other communities for grant money for trees or forestry programs. It also enhances the City's public image as a community that cares about its trees.

FISCAL IMPACT: Not applicable

FUNDING AVAILABLE: Not applicable

James M. Rodems
Interim Parks and Recreation Director

Prepared by Steve Dutra, Parks Superintendent

JMR/SD/tl

cc: Ray Fye, Tree Operations Supervisor

APPROVED: _____
Blair King, City Manager



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CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Presentation by the Greater Lodi Area Youth Commission

MEETING DATE: March 17, 2010

PREPARED BY: Brad Vander Hamm, LYC Liaison

RECOMMENDED ACTION: Presentation by Lodi Youth Commissioner, Emily McConahey, to the Salvation Army and Lodi House.

BACKGROUND INFORMATION: Emily McConahey has been a part of the Lodi Youth Commission (LYC) for the past two years. For her Senior Project, she chose to plan a Lodi Youth Commission Gives Back Valentines Dance.

Students were given a discount on their bid when they donated a children's book. Approximately 700 students attended the event. More than 350 books were collected to give to the Salvation Army and Lodi House. Ms. McConahey would like to present a representative from each organization with the books, along with a LYC donation check for \$1,000 each.

FISCAL IMPACT: None

FUNDING AVAILABLE: None

James M. Rodems
Community Center Director

Prepared by: Brad Vander Hamm, Liaison
Greater Lodi Area Youth Commission

APPROVED: _____
Blair King, City Manager



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Receive Register of Claims through February 25, 2010 in the Total Amount of \$1,876,303.99

MEETING DATE: March 17, 2010

PREPARED BY: Financial Services Manager

RECOMMENDED ACTION: Receive the attached Register of Claims for \$1,876,303.99.

BACKGROUND INFORMATION: Attached is the Register of Claims in the amount of \$1,876,303.99 through 02/25/10. Also attached is Payroll in the amount of \$1,211,730.99.

FISCAL IMPACT: n/a

FUNDING AVAILABLE: As per attached report.

Ruby R. Paiste, Financial Services Manager

RRP/rp

Attachments

APPROVED: _____
Blair King, City Manager

Accounts Payable
Council Report

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Date

- 03/02/10

As of Thursday	Fund	Name	Amount
02/25/10	00100	General Fund	987,020.20
	00123	Info Systems Replacement Fund	135.27
	00160	Electric Utility Fund	17,365.30
	00161	Utility Outlay Reserve Fund	14,485.28
	00164	Public Benefits Fund	29,722.90
	00166	Solar Surcharge Fund	5,842.36
	00167	Energy Efficiency & CBGP-ARRA	841.78
	00170	Waste Water Utility Fund	64,024.15
	00171	Waste Wtr Util-Capital Outlay	13,851.28
	00172	Waste Water Capital Reserve	61,746.73
	00180	Water Utility Fund	3,410.65
	00181	Water Utility-Capital Outlay	158,209.82
	00182	IMF Water Facilities	154.20
	00210	Library Fund	2,361.02
	00211	Library Capital Account	4,563.35
	00230	Asset Seizure Fund	1,400.00
	00234	Local Law Enforce Block Grant	652.50
	00260	Internal Service/Equip Maint	34,619.00
	00270	Employee Benefits	32,765.03
	00300	General Liabilities	1,318.24
	00310	Worker's Comp Insurance	30,312.07
	00321	Gas Tax	7,310.64
	00325	Measure K Funds	786.72
	00326	IMF Storm Facilities	218.56
	00340	Comm Dev Special Rev Fund	3,615.44
	00345	Community Center	11,838.02
	00346	Recreation Fund	2,199.44
	00410	Bond Interest & Redemption	2,860.00
	00459	H U D	2,498.61
	00502	L&L Dist Z1-Almond Estates	346.19
	00503	L&L Dist Z2-Century Meadows I	220.17
	00506	L&L Dist Z5-Legacy I,II,Kirst	569.78
	00507	L&L Dist Z6-The Villas	478.86
	00509	L&L Dist Z8-Vintage Oaks	185.24
	01211	Capital Outlay/General Fund	66,550.00
	01212	Parks & Rec Capital	43,849.50
	01217	IMF Parks & Rec Facilities	569.93
	01218	IMF General Facilities-Adm	16,768.00
	01241	LTF-Pedestrian/Bike	2,033.50
	01250	Dial-a-Ride/Transportation	135,230.98
	01410	Expendable Trust	69,561.70
Sum			1,832,492.41
	00184	Water PCE-TCE-Settlements	122.79
	00190	Central Plume	43,688.79
Sum			43,811.58
Total Sum			1,876,303.99

Council Report for Payroll

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Date - 03/02/10

Payroll	Pay Per Date	Co	Name	Gross Pay
Regular	02/21/10	00100	General Fund	726,188.25
		00160	Electric Utility Fund	151,415.20
		00164	Public Benefits Fund	5,354.43
		00170	Waste Water Utility Fund	89,161.72
		00180	Water Utility Fund	206.16
		00210	Library Fund	29,078.09
		00235	LPD-Public Safety Prog AB 1913	2,213.40
		00260	Internal Service/Equip Maint	21,571.70
		00321	Gas Tax	41,693.04
		00340	Comm Dev Special Rev Fund	21,730.51
		00345	Community Center	24,299.92
		00346	Recreation Fund	44,714.92
		01250	Dial-a-Ride/Transportation	6,889.67
Pay Period Total:				
Sum				1,164,517.01
Retiree	03/31/10	00100	General Fund	47,213.98
Pay Period Total:				
Sum				47,213.98



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CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Approve Minutes
a) February 17, 2010 (Regular Meeting)
b) March 2, 2010 (Shirtsleeve Session)
c) March 3, 2010 (Regular Meeting)
d) March 9, 2010 (Shirtsleeve Session)

MEETING DATE: March 17, 2010

PREPARED BY: City Clerk

RECOMMENDED ACTION: Approve the following minutes as prepared:
a) February 17, 2010 (Regular Meeting)
b) March 2, 2010 (Shirtsleeve Session)
c) March 3, 2010 (Regular Meeting)
d) March 9, 2010 (Shirtsleeve Session)

BACKGROUND INFORMATION: Attached are copies of the subject minutes marked Exhibit A through D.

FISCAL IMPACT: None.

FUNDING AVAILABLE: None required.

Randi Johl
City Clerk

Attachments

APPROVED: _____
Blair King, City Manager

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, FEBRUARY 17, 2010**

- C-1 Call to Order / Roll Call - N/A
- C-2 Announcement of Closed Session - N/A
- C-3 Adjourn to Closed Session - N/A
- C-4 Return to Open Session / Disclosure of Action - N/A
- A. Call to Order / Roll call

The Regular City Council meeting of February 17, 2010, was called to order by Mayor Katzakian at 7:00 p.m.

Present: Council Member Hansen, Council Member Johnson, Council Member Mounce, Mayor Pro Tempore Hitchcock, and Mayor Katzakian

Absent: None

Also Present: City Manager King, City Attorney Schwabauer, and City Clerk Johl

B. Pledge of Allegiance

C. Presentations

C-1 Awards - None

C-2 Proclamations

a) Soroptimist International, "Saturday of Service," March 6, 2010

Mayor Katzakian presented a proclamation to Germaine Burke, President of Lodi Soroptimist International, recognizing Soroptimist International, "Saturday of Service," being held on March 6, 2010.

C-3 Presentations

a) Update by Hutchins Street Square Foundation on Fundraising Efforts for Community Center (COM)

John Ledbetter, Chair of the Hutchins Street Square Foundation, gave an update to Council on its fundraising efforts for the Community Center.

D. Consent Calendar (Reading; Comments by the Public; Council Action)

Council Member Mounce made a motion, second by Council Member Johnson, to approve the following items hereinafter set forth, **except those otherwise noted**, in accordance with the report and recommendation of the City Manager.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Hansen, Council Member Johnson, Council Member Mounce, Mayor

Pro Tempore Hitchcock, and Mayor Katzakian

Noes: None

Absent: None

D-1 Receive Register of Claims in the Amount of \$5,812,522.84 (FIN)

Claims were approved in the amount of \$5,812,522.84.

D-2 Approve Minutes (CLK)

The minutes of February 2, 2010 (Shirtsleeve Session), February 3, 2010 (Regular Meeting), and February 9, 2010 (Shirtsleeve Session) were approved as written.

D-3 Approve Plans and Specifications and Authorize Advertisement for Bids for DeBenedetti Park - Electrical Improvements Phase I, 2350 South Lower Sacramento Road (PW)

Approved the plans and specifications and authorized advertisement for bids for DeBenedetti Park - Electrical Improvements Phase I, 2350 South Lower Sacramento Road.

D-4 Approve Specifications and Authorize Advertisement for Bids to Procure Polemount and Padmount Transformers (EUD)

Approved the specifications and authorized advertisement for bids to procure polemount and padmount transformers.

D-5 Adopt Resolution Rejecting Proposals for the White Slough Solar Demonstration Plant (EUD)

This item was pulled for further discussion by Council Member Hansen.

In response to Council Member Hansen, Mr. King stated the City is not stepping away from the demonstration project. Mr. King stated bids were submitted as a Public Works project and the recommendation is to reject all bids and go back and clarify the specifications of the proposed project based on qualifications, longevity of project, and price of construction and energy. Mr. Weisel stated the item should be back in about three months.

Council Member Hansen made a motion, second by Council Member Mounce, to adopt Resolution No. 2010-19 rejecting proposals for the White Slough Solar Demonstration Plant.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Hansen, Council Member Johnson, Council Member Mounce, Mayor Pro Tempore Hitchcock, and Mayor Katzakian

Noes: None

Absent: None

D-6 Adopt Resolution Approving Donation of Retired Self-Contained Breathing Apparatus and Surplus Turnouts to the Lodi Unified School District Regional Occupation Fire Science Technology Program (FD)

Adopted Resolution No. 2010-14 approving donation of retired self-contained breathing apparatus and surplus turnouts to the Lodi Unified School District Regional Occupation Fire Science Technology Program.

- D-7 Adopt Resolution Approving Purchase of Transit Fare Collection Equipment from GFI GenFare, of Elk Grove Village, IL (\$279,843), and Appropriating Funds (\$300,000) (PW)

This item was pulled for further discussion by Robin Rushing.

Mr. Rushing expressed his concerns about additional funds being spent on cash boxes for transit.

In response to Council Member Hansen, Mr. King stated federal American Recovery and Reinvestment Act of 2009 funds were received by the City for specific transit needs and reviewed the spending requirements for the same. Mr. King stated the funds are conditional and cannot be used for operational purposes.

Council Member Mounce made a motion, second by Council Member Hansen, to adopt Resolution No. 2010-20 approving the purchase of transit fare collection equipment from GFI GenFare, of Elk Grove Village, IL, in the amount of \$279,843, and appropriating funds in the amount of \$300,000.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Hansen, Council Member Johnson, Council Member Mounce, Mayor Pro Tempore Hitchcock, and Mayor Katzakian

Noes: None

Absent: None

- D-8 Adopt Resolution Awarding Contract for 2010 Alley Reconstruction Project to George Reed, of Lodi (\$226,454.40) (PW)

Adopted Resolution No. 2010-15 awarding contract for 2010 Alley Reconstruction Project to George Reed, of Lodi, in the amount of \$226,454.40.

- D-9 Adopt Resolution Awarding Contract for the Installation of Automated Residential Electric Meters to Republic ITS, Inc., of Novato, CA, and Appropriating Funds (\$109,945) (EUD)

Adopted Resolution No. 2010-16 awarding contract for the installation of automated residential electric meters to Republic ITS, Inc., of Novato, CA, and appropriating funds in the amount of \$109,945.

- D-10 Adopt Resolution Awarding Contract for the Replacement of Public Safety Radio Equipment to Delta Wireless & Network Solutions, of Stockton, under Homeland Security Grant Number 2008-0006 (\$362,734.18) (CM)

Adopted Resolution No. 2010-17 awarding contract for the replacement of public safety radio equipment to Delta Wireless & Network Solutions, of Stockton, under Homeland Security Grant Number 2008-0006 in the amount of \$362,734.18.

- D-11 Adopt Resolution Authorizing the Lease Agreement Between the City of Lodi and the State of California, Acting By and Through its Director of General Services, with the Consent of the Military Department for the Use of the National Guard Armory Building (PR)

Adopted Resolution No. 2010-18 authorizing the lease agreement between the City of Lodi and the State of California, acting by and through its Director of General Services, with the consent of the Military Department for the use of the National Guard Armory building.

- D-12 Set Public Hearing for March 3, 2010, to Consider Report for Sidewalk Repairs and to

Confirm the Report as Submitted by the Public Works Department (PW)

Set public hearing for March 3, 2010, to consider report for sidewalk repairs and to confirm the report as submitted by the Public Works Department.

D-13 Set Public Hearing for March 17, 2010, to Adopt Federal Fiscal Year 2010 Program of Transit Projects (PW)

Set public hearing for March 17, 2010, to adopt Federal Fiscal Year 2010 Program of Transit Projects.

E. Comments by the Public on Non-Agenda Items

THE TIME ALLOWED PER NON-AGENDA ITEM FOR COMMENTS MADE BY THE PUBLIC IS LIMITED TO FIVE MINUTES. The City Council cannot deliberate or take any action on a non-agenda item unless there is factual evidence presented to the City Council indicating that the subject brought up by the public does fall into one of the exceptions under Government Code Section 54954.2 in that (a) there is an emergency situation, or (b) the need to take action on the item arose subsequent to the agenda's being posted. Unless the City Council is presented with this factual evidence, the City Council will refer the matter for review and placement on a future City Council agenda.

None.

F. Comments by the City Council Members on Non-Agenda Items

Council Member Hansen reported on his attendance at the Northern California Power Agency (NCPA) meeting and working on the NCPA budget. He also discussed issues to be considered in Washington D.C., including greenhouse gas emissions and AB 32. Mr. Hansen commended the efforts of those involved with the Wine and Chocolate event in downtown.

Council Member Johnson reported on the Joint Task Force working on the County jail proposal. He specifically discussed the lack of operating funds for the proposed jail, a half-cent sales tax option to fund operations, the telephone survey, other County efforts regarding sales tax, and a ballot measure education program with proportional cost assignment for cities.

Council Member Mounce reported on her attendance at the League Board of Directors meeting. She specifically discussed greenhouse gas emission legislation, postponing unfunded mandates, policy on water, involvement by the City of Stockton, nominating the Youth Commission for a Helen Putnam Award, and the possibility of rescinding and reenacting Ordinance 1775 and 1776.

G. Comments by the City Manager on Non-Agenda Items

None.

H. Public Hearings

H-1 Public Hearing to Receive Comments on the Lodi General Plan and Consider Adopting Resolution Certifying the Final Environmental Impact Report (CD)

Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Katzakian called for the public hearing to receive comments on the Lodi General Plan and consider adopting resolution certifying the Final Environmental Impact Report (EIR).

City Manager King provided a brief introduction to the subject matter of the Lodi EIR and General Plan.

Community Development Director Rad Bartlam provided a PowerPoint presentation regarding the EIR and General Plan. Specific topics of discussion included the California Environmental Quality Act (CEQA), General Plan Draft and Final EIR, next steps, CEQA requirements, purpose, topics evaluated, project description, executive summary, beneficial impacts, less than significant impacts, significant and unavoidable impacts, statement of overriding considerations, significant and irreversible environmental changes, alternatives, growth-inducing impacts, cumulative impacts, contents of the EIR, comments received, new and edited policies, next steps including General Plan adoption, and General Plan land use.

In response to Mayor Pro Tempore Hitchcock, Mr. Bartlam stated that, with respect to unavoidable significant impacts and air quality concerns, discussions are occurring at various levels through legislation, when to stop building is a broader matter for consideration by the policy makers, and policies in the General Plan look to reduce greenhouse gas emissions as is required. Mr. Bartlam stated south San Joaquin Valley suffers more air quality issues because of dust and particles as well as emissions.

In response to Mayor Pro Tempore Hitchcock, Mr. King stated the public hearing is for the certification of the EIR and its relationship to General Plan policies. Mr. King stated the General Plan resolution will come back for adoption at a future date.

In response to Mayor Pro Tempore Hitchcock, Mr. Bartlam stated specific information, such as floor area ratios, will be incorporated into the Zoning Code. Mr. Bartlam stated General Plan references are broader while parcel implementation measures are carried out more specifically through the Development Code.

In response to Mayor Pro Tempore Hitchcock, Mr. Bartlam stated currently there is a parking district downtown and the proposed language coincides with the existing condition in downtown.

In response to Mayor Pro Tempore Hitchcock, Mr. Bartlam stated there are three designated mixed use centers, the intent of these centers is to define neighborhoods, and examples would include the Lakewood Mall area as well as the Turner Road and Lower Sacramento Road corner. Mr. Bartlam stated implementation would be through development of a larger master plan with a combination of both residential and commercial through land use and design.

In response to Mayor Pro Tempore Hitchcock, Mr. Bartlam stated density ranges are broad, most mixed uses would fall under medium density, smaller single-family lots are likely in the future, and developments in the City are likely to be similar to those that occurred during the higher development periods approximately three years ago in other communities.

In response to Mayor Pro Tempore Hitchcock, Mr. Bartlam stated the difference between the 1991 plan and the current plan is basins and parks will not be developed together and there will be more usable play fields in the proposed plan that are separate from basins.

In response to Mayor Pro Tempore Hitchcock, Mr. Bartlam stated staff will look into any previous citizen initiative combining parks and basins.

In response to Mayor Pro Tempore Hitchcock, Mr. Bartlam stated the blue spaces are anticipated school locations and the green spaces reference parks. A brief discussion ensued regarding keeping basin and park spaces separate from one another.

In response to Mayor Pro Tempore Hitchcock, Mr. Bartlam stated base districts will be

established to implement the General Plan because none exist currently.

In response to Mayor Pro Tempore Hitchcock, Public Works Director Wally Sandelin confirmed that the General Plan build out is sufficient to manage current and future water needs.

Mr. Bartlam stated the policy regarding future water needs will be coming back along with the other policies.

In response to Mayor Pro Tempore Hitchcock, Mr. Sandelin stated the wastewater plant capacity is sufficient and can be increased later in a master plan if needed.

In response to Mayor Pro Tempore Hitchcock, Mr. Bartlam and Mr. King stated the narrative describes what is already approved for fire departments, what may be needed for future fire services, and a specific public safety master plan will be coming back for approval.

In response to Mayor Pro Tempore Hitchcock, Mr. Bartlam stated phasing is for residential and non-residential growth, Phase 1 is infill within the existing General Plan, Phase 2 is non-residential south of Kettleman Lane on Harney Lane and west of current General Plan, Phase 3 is the reserve area, and the 75% allows the City to solidly develop infrastructure without acting prematurely.

In response to Mayor Pro Tempore Hitchcock, Mr. Bartlam stated each section including resident, commercial, and industrial has its own 75% requirement.

In response to Mayor Pro Tempore Hitchcock, Mr. Bartlam stated changes to the ordinance regarding design issues, points, and programs will be brought back for consideration.

In response to Mayor Pro Tempore Hitchcock, Mr. Bartlam stated the Planning Commission recommended gated communities in some cases where there are no connectivity concerns but discouraged overall use of gated communities.

In response to Mayor Pro Tempore Hitchcock, Mr. Bartlam stated sound walls may be appropriate along the City express ways, major arterial roads, Highway 99, and the railroad line.

In response to Mayor Pro Tempore Hitchcock, Mr. Bartlam stated the Planning Commission recommended a minimum one acre for every one acre lost for mitigation and the trust language can be modified to more specifically benefit the Lodi community.

In response to Council Member Mounce, Mr. Bartlam stated specific information regarding historical preservation, including allowable alteration to older homes, would be set forth in the Development Code. Mr. Bartlam stated a variety of historical preservation policies could be considered by the Planning Commission or the Historical Society.

In response to Council Member Mounce, Mr. Bartlam stated the draft Development Code is done and will be updated with the proposed General Plan.

In response to Council Member Mounce, Mr. Bartlam stated the redevelopment area is getting a mixed use designation in Phase 1 because it is an infill area in downtown and can be expanded to include to vacant Lockeford Street piece as indicated.

In response to Council Member Mounce, Mr. Bartlam and Mr. King stated eminent domain language and references could be incorporated in General Plan edits and added as an election requirement in any new redevelopment plan.

In response to Council Member Hansen, Mr. Bartlam confirmed a balance of downtown

objectives and historical preservation would be considered in the General Plan.

Mayor Katzakian opened the public hearing to receive public comment.

Patrick McEwen, representing the proposed San Joaquin Delta College Campus in Lodi, spoke in favor of the proposed certification of the EIR and requested that a college placeholder be incorporated into the General Plan. Specific topics of discussion included an educational master plan, Lodi identified as needing a college facility, the facilities master plan, previous work done for a General Plan alternative, and a college placeholder in the General Plan.

Discussion ensued among Council Member Hansen, Council Member Mounce, and Mayor Pro Tempore Hitchcock regarding the work already performed at the Victor Road site, the possibility of Delta College utilizing infill sites in downtown, and leaving options open without designation limitations on a particular site.

Jerry Fry, representing the Armstrong Road property owners, spoke in opposition to the proposed certification, stating the property owners would like the subject area designated as PRR or similar to the 1991 General Plan. Mr. Fry specifically discussed the urban reserve moving to the west side of town, previous improvements made by the property owners, growth management in the City being inconsistent with the proposed Delta College growth, supporting agriculture by reducing groundwater extraction through the building of a treatment plant, and mitigation efforts that benefit areas in the City versus outside the City.

Mayor Katzakian closed the public hearing after receiving no further public comment.

In response to Council Member Johnson, Mr. Bartlam stated there is no reason to either include or not include Delta College in the General Plan as it is a Council policy call and another option is to designate the proposed college site as urban reserve.

In response to Council Member Mounce, Planning Commissioner Tim Mattheis stated the Planning Commission did not support a college placeholder because at the time there was no definitive plan for the area; although, conditions including the financial aspect of the proposal may have changed.

In response to Council Member Mounce, Mr. Mattheis stated there was a concern that the college could be growth-inducing toward that area.

In response to Mayor Pro Tempore Hitchcock, Mr. Bartlam stated the college piece could be brought back to Council up to four times a year as a General Plan amendment.

In response to Council Member Hansen, Mr. Bartlam stated a college reserve may be feasible and an example of the same type of reserve is the elementary school site proposed on the east side of town at the request of the school district.

Discussion ensued among Council Member Hansen and Mr. Bartlam regarding the Armstrong Road property owners' request of a PRR designation and the appearance it may give of the City's intent to grow in the future in a particular direction.

In response to Council Member Hansen, Mr. Bartlam stated the recommendation is to not go with the most environmentally superior alternative because it falls short of the City's growth ordinance and does not meet other needs for the City.

In response to Council Member Hansen, Mr. Mattheis stated there was a lot of deliberation regarding the PRR and urban reserve designation, this is a good legislative opportunity to

maintain some type of a separator between Lodi and Stockton, and the community desires a separator.

Discussion ensued between Council Member Hansen and Mr. Bartlam regarding a compromise designation, urban reserve to the west, effects on 2% growth management, State requirements for accommodation of 2% growth management, and density in various areas.

In response to Mayor Katzakian, Mr. Bartlam stated the urban reserve designation sends a message of desired growth by the City Council in a particular area.

In response to Mayor Pro Tempore Hitchcock, Mr. Bartlam stated the General Plan process started in 2006.

Discussion ensued among Council Member Hansen, Council Member Mounce, and Mayor Pro Tempore Hitchcock regarding the likelihood of the Armstrong Road property owners receiving the AL-5 designation from the County or finding a suitable alternative through the City.

In response to Council Member Hansen, Mr. Bartlam stated designating an area as urban reserve does not necessarily have to shrink down another area as all designations are based on assumptions and can be modified.

Council Member Hansen made a motion, second by Mayor Pro Tempore Hitchcock, to include a San Joaquin Delta College placeholder when the Environmental Impact Report is certified.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Hansen, Council Member Johnson, Council Member Mounce, Mayor Pro Tempore Hitchcock, and Mayor Katzakian

Noes: None

Absent: None

Mayor Pro Tempore Hitchcock made a motion, second by Council Member Mounce, to adopt Resolution No. 2010-21 certifying the final Environmental Impact Report, including a placeholder for San Joaquin Delta College.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Johnson, Council Member Mounce, Mayor Pro Tempore Hitchcock, and Mayor Katzakian

Noes: Council Member Hansen

Absent: None

I. Communications

I-1 Claims Filed Against the City of Lodi - None

I-2 Appointments - None

I-3 Miscellaneous

a) Monthly Protocol Account Report (CLK)

Council Member Mounce made a motion, second by Mayor Pro Tempore Hitchcock, to accept the cumulative Monthly Protocol Account Report through January 31, 2010.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Hansen, Council Member Johnson, Council Member Mounce, Mayor Pro Tempore Hitchcock, and Mayor Katzakian

Noes: None

Absent: None

J. Regular Calendar

J-1 Receive Report on Drinking Water Chlorination (PW)

City Manager King briefly introduced the subject matter of the report regarding drinking water chlorination.

Deputy Public Works Director Charlie Swimley provided a PowerPoint presentation regarding the report regarding drinking water chlorination. Specific topics of discussion included background, annual positive total coliform samples, new drinking water regulations, sample sites, and chlorination plan.

In response to Mayor Pro Tempore Hitchcock, Mr. Swimley reviewed the location of the well sites on an aerial view map, stating the well locations were evenly distributed throughout the City.

In response to Mayor Pro Tempore Hitchcock, Mr. Swimley stated some chlorination has already been happening and the amount is increasing slightly due to new State requirements for testing.

A brief discussion occurred between Mayor Pro Tempore Hitchcock and Mr. Swimley regarding the lack of complaints received, cost of approximately \$900 for a violation, and the cost of not chlorinating versus the cost of violations.

In response to Council Member Johnson, Mr. Swimley stated the chlorination may be keeping the number of complaints down and of the seven complaints some were inquiries and four were commercial. Mr. Swimley stated proper notification would be given if the City were to do any aggressive chlorination.

J-2 Consider the Following Actions Regarding the California High-Speed and Regional Rail Program: (a) Direct Staff to Prepare Letter Confirming City's Desire to Have Union Pacific Corridor Alignment Considered Through Lodi, and (b) Authorize Mayor to Send Letter Supporting Merced County's Request for High-Speed Rail Heavy Maintenance Facility at the Former Castle Air Force Base (CD)

City Manager King and Community Development Director Rad Bartlam provided a brief overview of the proposed recommended action with respect to authorizing the City's support for the high speed and regional rail programs as discussed at the Shirtsleeve Session of February 9, 2010.

Council Member Mounce made a motion, second by Council Member Hansen, to direct staff to prepare letter confirming City's desire to have Union Pacific corridor alignment considered through Lodi and to authorize the Mayor to send letter supporting Merced County's request for High-Speed Rail Heavy Maintenance Facility at the former Castle Air Force Base.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Hansen, Council Member Johnson, Council Member Mounce, Mayor Pro Tempore Hitchcock, and Mayor Katzakian

Noes: None

Absent: None

J-3 Adopt Resolution Setting the City of Lodi Electric Utility Energy Efficiency Program 10-Year Target (EUD)

City Manager King briefly introduced the subject matter of the energy efficiency program ten-year target.

Customer Services and Programs Manager Rob Lechner provided a brief presentation regarding the ten-year target for the energy efficiency program. Specific topics of discussion included legislative history of AB 2021 and AB 1890, first ten-year goal of 2007, requirement to review goals every three years, proposed new goal numbers, continuing existing programs, concerns about saturation, and expansion of numbers consistent with public benefit funding.

In response to Mayor Pro Tempore Hitchcock, Mr. Lechner stated it is somewhat difficult to review the goal numbers because the City must balance the State requirements while continuously working on the goals.

Council Member Mounce made a motion, second by Council Member Johnson, to adopt Resolution No. 2010-22 setting the City of Lodi Electric Utility Energy Efficiency Program 10-Year Target.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Hansen, Council Member Johnson, Council Member Mounce, Mayor Pro Tempore Hitchcock, and Mayor Katzakian

Noes: None

Absent: None

K. Ordinances - None

L. Adjournment

There being no further business to come before the City Council, the meeting was adjourned at 11:46 p.m.

ATTEST:

Randi Johl
City Clerk

**LODI CITY COUNCIL
SHIRTSLEEVE SESSION
CARNEGIE FORUM, 305 WEST PINE STREET
TUESDAY, MARCH 2, 2010**

A. Roll Call by City Clerk

An Informal Informational Meeting ("Shirtsleeve" Session) of the Lodi City Council was held Tuesday, March 2, 2010, commencing at 7:02 a.m.

Present: Council Member Hansen, Council Member Johnson, Mayor Pro Tempore Hitchcock, and Mayor Katzakian

Absent: Council Member Mounce

Also Present: City Manager King, City Attorney Schwabauer, and City Clerk Johl

B. Topic(s)

B-1 Receive Information Regarding Water Meter Extended Payment and Payment Deferral Options Plan (PW)

City Manager King provided a brief introduction to the subject matter of the Lodi water meter program.

Public Works Director Wally Sandelin provided a PowerPoint presentation regarding the extended payment and payment deferral options for the property owners for the Lodi water meter program. Specific topics of discussion included proposed recommendation, discussion items, defining a meter service, meter set components, meter service cost basis, installation, meter installation costs, payment options for lump sum and extended term, monthly installment payments, benefit assessment district option, bond financing, cash flow model alternatives, and meter program time frame compared to other cities.

In response to Mayor Pro Tempore Hitchcock, Mr. Sandelin stated in a new subdivision the developer is responsible for constructing and providing service from the main to the box and house. Further, Mr. Sandelin stated if an older home is purchased, the new owner is responsible for the service and the former property owner would have installed from the main to the house.

In response to Council Member Hansen, Mr. Sandelin confirmed staff will need to inspect every parcel including pre-1992 homes to ensure proper installation and it will take approximately five years through phases. Mr. Sandelin stated door hangars will be used for notification purposes.

In response to Mayor Pro Tempore Hitchcock, Mr. Sandelin stated the rich box class includes the five inch diameters with cast iron assembly around the valves and there are approximately 10,000 in the City.

In response to Council Member Johnson, Mr. Schwabauer and Mr. King confirmed that a proposed benefit assessment district would be subject to Proposition 218 requirements and need an affirmative vote to pass. Further, Mr. Schwabauer stated if long-term efforts were successful by way of an affirmative vote, the City could sue the State for reimbursement since the water meter installation is an unfunded mandate with a cost that was not able to be passed down to the ratepayers.

In response to Council Member Hansen, Mr. Sandelin stated the 4% inflation annual adjustment was arrived at using a conservative estimate as the wastewater side is running approximately 3.5%.

In response to Mayor Pro Tempore Hitchcock, Mr. Sandelin and Mr. King stated that the City Council can modify the alternatives if it so chooses and it is not anticipated that the proposed deficit will reach \$9 million.

In response to Council Member Johnson, Mr. Sandelin stated most of the 3,600 property owners that have the rich box system would qualify for Community Development Block Grant (CDBG) funding, although he is not sure of the exact amount of those eligible.

In response to Council Member Johnson, Mr. Sandelin stated this is the first time he has seen a reduction in the Consumer Price Index and staff will closely monitor funding and inflation for adjustment purposes as the current numbers are based on certain assumptions.

In response to Council Member Hansen, Mr. Sandelin stated the proposed payment plans were tested in the model to arrive at the suggested numbers, six and seven year options were not looked at, and in general the longer the term the slower the recovery because payments come in at a slower rate.

In response to Council Member Hansen, Mr. Sandelin stated for the individual rate payer, it is less of a cost per month for the bond option as opposed to the pay as you go option but the sum of bond payments is almost double than the pay as you go option.

In response to Mayor Katzakian, Mr. Sandelin stated the total cost of the project is \$35 million, of which \$15 million is paid by the property owners and \$20 million is paid by the City.

In response to Council Member Hansen, Mr. Sandelin stated there may be approximately \$3 million available through CDBG funding but he is not sure of that number and would need to confirm with Community Development. Further, Mr. Sandelin stated approximately 3,623 homes are in the \$2,000 category, this is relatively new information because the original \$1,200 cost may not have included everything, and to keep costs low the utility is carrying the design and construction costs.

In response to Council Member Johnson, Mr. Sandelin stated he does not expect the 3,623 number to fluctuate more than plus or minus five percent.

In response to Mayor Pro Tempore Hitchcock, Mr. Sandelin stated in a seven-year program, the estimated \$34 dollar amount would likely come down to approximately \$15 and the other numbers would adjust as well.

In response to Council Member Johnson, Mr. Sandelin confirmed that the average single-family home of three bedrooms pays approximately \$40 per month for water.

C. Comments by Public on Non-Agenda Items - None

D. Adjournment

No action was taken by the City Council. The meeting was adjourned at 8:00 a.m.

ATTEST:

Randi Johl
City Clerk

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, MARCH 3, 2010**

C-1 Call to Order / Roll Call - N/A

C-2 Announcement of Closed Session - N/A

C-3 Adjourn to Closed Session - N/A

C-4 Return to Open Session / Disclosure of Action - N/A

A. Call to Order / Roll call

The Regular City Council meeting of March 3, 2010, was called to order by Mayor Katzakian at 7:02 p.m.

Present: Council Member Hansen, Council Member Johnson, Council Member Mounce, Mayor Pro Tempore Hitchcock, and Mayor Katzakian

Absent: None

Also Present: City Manager King, City Attorney Schwabauer, and City Clerk Johl

B. Pledge of Allegiance

C. Presentations

C-1 Awards - None

C-2 Proclamations - None

C-3 Presentations - None

D. Consent Calendar (Reading; Comments by the Public; Council Action)

Council Member Mounce made a motion, second by Mayor Pro Tempore Hitchcock, to approve the following items hereinafter set forth, **except those otherwise noted**, in accordance with the report and recommendation of the City Manager.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Hansen, Council Member Johnson, Council Member Mounce, Mayor Pro Tempore Hitchcock, and Mayor Katzakian

Noes: None

Absent: None

D-1 Receive Register of Claims in the Amount of \$2,381,567.84 (FIN)

Claims were approved in the amount of \$2,381,567.84.

D-2 Approve Minutes (CLK)

The minutes of February 16, 2010 (Shirtsleeve Session) and February 23, 2010 (Shirtsleeve Session) were approved as written.

D-3 Approve Plans and Specifications and Authorize Advertisement for Bids for 2010 Storm Drain Improvements Project (PW)

Approved the plans and specifications and authorized advertisement for bids for 2010 Storm Drain Improvements Project.

D-4 Approve Plans and Specifications and Authorize Advertisement for Bids for Municipal Service Center Compressed Natural Gas Fueling Station Improvements Project Funded with Transit Grant and Transportation Development Act Funds (PW)

Approved the plans and specifications and authorized advertisement for bids for Municipal Service Center Compressed Natural Gas Fueling Station Improvements Project funded with Transit Grant and Transportation Development Act funds.

D-5 Approve Plans and Specifications and Authorize Advertisement for Bids for White Slough Water Pollution Control Facility Bio-Solids Dewatering Facility Funded with 2007 Bond Proceeds (PW)

Council Member Hitchcock pulled this item for further discussion.

Public Works Director Wally Sandelin and Deputy Public Works Director Charlie Swimley provided a brief presentation regarding the bids for the White Slough Water Pollution Control Facility in relation to bio-solid dewatering. Specific topics of discussion included State mandates and requirements, land application usage, disposal of bio-solids, and contracting with a company for disposal.

In response to Mayor Pro Tempore Hitchcock, Mr. Sandelin stated there may have been a calculation error at the time the COPs were issued, which allowed for sufficient revenues to provide emergency improvements.

In response to Mayor Pro Tempore Hitchcock, Mr. King stated the City obtained financing based on reports and various project requirements, the intent was to do as much as possible with the proceeds, and the options are to use the remainder of the proceeds or collapse the amount into retiring the debt.

In response to Mayor Pro Tempore Hitchcock, Mr. King stated the report was prepared to achieve certain standards through a variety of improvements and everything on the plan was done with some funds remaining.

In response to Mayor Pro Tempore Hitchcock, Mr. Schwabauer stated the current order from the Regional Board does not require the City to build a facility, although it is clear that we will need to improve the facility because the State Board has concluded Title 27 requirements apply to storage and disposal. Mr. Schwabauer stated he would be surprised if the new permit issued upon the conclusion of the appeal did not include such a requirement.

In response to Mayor Pro Tempore Hitchcock, Mr. Swimley stated the City has been generating more bio-solids than it can dispose of for many years, the proposed action will help with eliminating bio-solid levels in lagoons, Flag City is 2% of the overall flow, and regardless of Flag City the City would have needed to address bio-solids disposal.

In response to Mayor Pro Tempore Hitchcock, Mr. Sandelin and Mr. King stated Flag City spent \$6 million to buy in to the system, an outside engineer confirmed there was sufficient capacity, and Flag City did pay a connection fee and impact fees which were incorporated into the debt

service for its share.

In response to Council Member Johnson, Mr. Schwabauer stated a new permit should be received within six to eight months, the City will need to do a background nitrate study, and the study will need to be presented to the Regional Board before the permit is issued. Mr. Schwabauer stated that regardless of the study outcome, the City is still generating more bio-solids than it can dispose of.

In response to Mayor Katzakian, Mr. Schwabauer stated the study establishes a baseline before facility construction and the study outcomes could become the new permit requirements.

In response to Mayor Pro Tempore Hitchcock, Mr. Swimley stated there is sufficient capacity in the treatment plant; however, there is not proper bio-solid storage capacity.

In response to Council Member Johnson, Mr. Swimley confirmed that there was a cost for disposal of \$225,000 for 500 tons and after the facility is constructed the City will be spending \$200,000 annually for disposal of nine hundred tons.

In response to Mayor Katzakian, Mr. Swimley stated the City will be saving money because the City will be hauling less weight out for disposal.

In response to Council Member Hansen, Mr. Swimley stated he expects that within a permit or two, based on the regulatory environment and groundwater conditions, bio-solids application will no longer be permitted.

Robin Rushing spoke in opposition to the proposed recommendation because he did not want to spend money if it is not required.

Council Member Hansen made a motion, second by Mayor Katzakian, to approve plans and specifications and authorize advertisement for bids for White Slough Water Pollution Control Facility Bio-Solids Dewatering Facility funded with 2007 bond proceeds.

VOTE:

The above motion failed by the following vote:

Ayes: Council Member Hansen, and Mayor Katzakian

Noes: Council Member Johnson, Council Member Mounce, and Mayor Pro Tempore Hitchcock

Absent: None

D-6 Approve Plans and Specifications and Authorize Advertisement for Bids for All-Weather Surface Installation Project at the Grape Bowl, 221 Lawrence Avenue (PW)

This item was pulled for further discussion by Council Member Mounce.

Council Member Mounce stated that, to be consistent with her previous action on this subject matter, she will not be voting in favor of the recommendation based on her previously stated concerns about the field.

Robin Rushing spoke in opposition to the proposed recommendation based on his concerns about the safety of individuals using the field and additional studies on the subject matter.

Council Member Hansen made a motion, second by Council Member Johnson, to approve plans and specifications and authorize advertisement for bids for the all-weather surface installation project at the Grape Bowl, 221 Lawrence Avenue.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Hansen, Council Member Johnson, and Mayor Katzakian

Noes: Council Member Mounce, and Mayor Pro Tempore Hitchcock

Absent: None

- D-7 Approve Specifications and Authorize Advertisement for Bids for Maintenance of the Lodi Consolidated Landscape Maintenance Assessment District No. 2003-1, Fiscal Year 2010/11 (PW)

Approved the specifications and authorized advertisement for bids for maintenance of the Lodi Consolidated Landscape Maintenance Assessment District No. 2003-1, Fiscal Year 2010/11.

- D-8 Approve Specifications and Authorize Advertisement for Bids for Traffic Signal Preventive Maintenance and Repair Program, Fiscal Year 2010/11 (PW)

Approved specifications and authorized advertisement for bids for Traffic Signal Preventive Maintenance and Repair Program, Fiscal Year 2010/11.

- D-9 Adopt Resolution Authorizing Additional Task Order with Treadwell & Rollo Regarding PCE/TCE Cleanup (\$167,000) and Appropriating Funds (\$180,000) (PW)

This item was pulled for further discussion by Council Member Johnson.

In response to Council Member Johnson, Public Works Director Wally Sandelin stated the extension is necessary because the term of the prior task order is due to expire this month and the delay was due to the completion of the design and bid package being behind schedule approximately one year, although the project is not expected to take the entire year.

Council Member Johnson made a motion, second by Council Member Hansen, to adopt Resolution No. 2010-24 authorizing additional task order with Treadwell & Rollo regarding PCE/TCE cleanup in the amount of \$167,000 and appropriating funds in the amount of \$180,000.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Hansen, Council Member Johnson, Council Member Mounce, Mayor Pro Tempore Hitchcock, and Mayor Katzakian

Noes: None

Absent: None

- D-10 Adopt Resolution Authorizing Transportation Manager to Execute Agreement with Google Transit for Free Pilot Program Online Transit Trip Planning Tool (PW)

Adopted Resolution No. 2010-23 authorizing the Transportation Manager to execute agreement with Google Transit for free pilot program online transit trip planning tool.

- D-11 Set Public Hearing for March 17, 2010, to Approve the Draft 2010/11 Action Plan and the Reallocation of Available Funding for the Community Development Block Grant Program (CD)

Set public hearing for March 17, 2010, to approve the draft 2010/11 Action Plan and the reallocation of available funding for the Community Development Block Grant Program.

- D-12 Set Public Hearing for March 17, 2010, to Consider Resolution Approving Contractual

Consumer Price Index Based Annual Adjustment to Rates for Solid Waste Collection (PW)

Set public hearing for March 17, 2010, to consider resolution approving contractual Consumer Price Index-based annual adjustment to rates for solid waste collection.

E. Comments by the Public on Non-Agenda Items

THE TIME ALLOWED PER NON-AGENDA ITEM FOR COMMENTS MADE BY THE PUBLIC IS LIMITED TO FIVE MINUTES. The City Council cannot deliberate or take any action on a non-agenda item unless there is factual evidence presented to the City Council indicating that the subject brought up by the public does fall into one of the exceptions under Government Code Section 54954.2 in that (a) there is an emergency situation, or (b) the need to take action on the item arose subsequent to the agenda's being posted. Unless the City Council is presented with this factual evidence, the City Council will refer the matter for review and placement on a future City Council agenda.

Stephen Bojorques, representing the Red Circle, a Native American non-profit organization, thanked the City Council for allowing grant funds to be provided through the Arts Commission and invited the public to the Native American Pow-Wow to be held at Oak Grove Park on Father's Day.

John Connelly spoke in opposition to the water meter installations based on his concerns about the Ham Lane water main connections and service from the backyard being moved to the front yard. Mr. Connelly will follow-up on his concerns with Public Works staff.

In response to Mayor Pro Tempore Hitchcock, Mr. King stated there will be unique circumstances for some property owners and they are encouraged to contact the Public Works Department to resolve any concerns they may have.

Lee Elwood spoke in opposition to the installation of water meters based on his concerns regarding service remaining in the backyard for certain properties with mains over six inches.

F. Comments by the City Council Members on Non-Agenda Items

Council Member Hansen reported on his attendance at the Federal Policy Forum in Washington DC with American Public Power Association and the Commission meeting for San Joaquin Council of Governments. Specific topics of discussion included hydro, coal, and solar portfolios, trimming projects based on reduction in sales tax, and ongoing Highway 12 improvements.

Council Member Mounce suggested that staff look into the ability to televise future shirtsleeve sessions on cable television.

In response to Council Member Johnson, Council Member Hansen stated large hydro is not considered green energy generation because of the offsetting mitigation to the environment and specifically to the fish and the counter argument is that it is green energy and credit should be given.

G. Comments by the City Manager on Non-Agenda Items

None.

H. Public Hearings

H-1 Public Hearing to Consider Report for Sidewalk Repairs and to Confirm the Report as

Submitted by the Public Works Department (PW)

Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Katzakian called for the public hearing to consider Report for Sidewalk Repairs and to confirm the Report as submitted by the Public Works Department.

City Manager King provided a brief introduction to the subject matter of the public hearing for the sidewalk repairs report.

Public Works Director Wally Sandelin provided a presentation regarding the sidewalk repair report and specifically discussed the four properties in question, payment for the services provided, notifications, lien on properties for non-payment, and recommendation to place liens.

In response to Mayor Pro Tempore Hitchcock, Mr. Sandelin stated the difference in costs for the properties is associated with the frontage and square footage of the concrete.

In response to Council Member Johnson, Mr. Sandelin stated the Streets Division was behind in collection and placement of liens. Mr. Schwabauer stated staff can tighten the time line for notification and the placement of liens for liability purposes.

In response to Council Member Mounce, Mr. Sandelin stated staff will follow-up with the property on Central Street and Elm and Garfield as suggested.

Mayor Katzakian opened the public hearing to receive public comment.

Paul Castro, the property owner at 831 Earhardt Drive, spoke in opposition to the proposed recommendation based on fairness in the notification process, the time period allowed for improvements, and the lack of express authorization to make the improvements by the City.

Mayor Katzakian closed the public hearing after receiving no further public comment.

In response to Council Member Hansen, Mr. Sandelin stated the process includes a first, formal, and final notice. Mr. Sandelin stated the process takes 45 to 60 days and a 25% administration charge is applied to cover the notification, lien, and construction process with the consent of Council.

In response to Council Member Hansen, Mr. Sandelin stated the City corrects City-owned tree damage and sidewalk damage usually in the right-of-way, the Streets Division does the actual work, and the property owner is given at least 45 to 60 days to do the work.

Mayor Pro Tempore Hitchcock made a motion, second by Council Member Johnson, to confirm the Report for Sidewalk as submitted by the Public Works Department and determined that Notices of Lien for the four properties be turned over to the Tax Collector.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Hansen, Council Member Johnson, Council Member Mounce, Mayor Pro Tempore Hitchcock, and Mayor Katzakian

Noes: None

Absent: None

I. Communications

I-1 Claims Filed Against the City of Lodi - None

I-2 Appointments

- a) Appointment to Greater Lodi Area Youth Commission (Adult Advisor): Nicole Grauman (CLK)

Council Member Mounce made a motion, second by Council Member Johnson, to make the following appointment:

Greater Lodi Area Youth Commission (Adult Advisor)

Nicole Grauman, Term to expire May 31, 2011

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Hansen, Council Member Johnson, Council Member Mounce, Mayor Pro Tempore Hitchcock, and Mayor Katzakian

Noes: None

Absent: None

- b) Post for Expiring Terms and Vacancies on the Greater Lodi Area Youth Commission and Lodi Arts Commission (CLK)

Council Member Mounce made a motion, second by Council Member Johnson, to direct the City Clerk to post for the following expiring terms and vacancies:

Greater Lodi Area Youth Commission

(Adult Advisor)

David Molvik, Term to expire May 31, 2010

(Student Appointees)

Evan Beau Benko, Term to expire May 31, 2010

Shelby Gotelli, Term to expire May 31, 2010

Joshua Gums, Term to expire May 31, 2010

Mykenzie Mattheis, Term to expire May 31, 2010

Emily McConahey, Term to expire May 31, 2010

Priyank Patel, Term to expire May 31, 2011

Lodi Arts Commission

Jennifer Walth, Term to expire July 1, 2012

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Hansen, Council Member Johnson, Council Member Mounce, Mayor Pro Tempore Hitchcock, and Mayor Katzakian

Noes: None

Absent: None

I-3 Miscellaneous - None

J. Regular Calendar

- J-1 Consider Accepting Gift of Sculpture, "Rite of Spring," from Artist Scott Wampler (COM)

City Manager King and Community Center Director Jim Rodems provided a brief introduction to the subject matter of the art sculpture.

David Kirsten provided a description and history of the sculpture along with the recommendation of the Art in Public Places (AiPP) Board for acceptance, funding, and placement of the sculpture.

In response to Mayor Pro Tempore Hitchcock, Mr. Kirsten stated a volunteer storage facility is available and the artist decided to donate the piece to the City of Lodi based on his Google search of the community's connection to cranes.

In response to Council Member Johnson, Mr. Kirsten stated he believes the difference in cost is the pad installation which was not considered in the bid, estimates were based on previous projects, the sculpture weighs 2,400 pounds, costs proposed are worst case scenario, and AiPP funds are available for the donation.

In response to Council Member Mounce, Mr. Rodems stated AiPP and Parks and Recreation did not have a specific recommendation as to the location for the placement of the piece; although, there was discussion about placing it in either Roget Park or DeBenedetti Park.

In response to Council Member Hansen, Mr. Kirsten stated most community activities for the Sand Hill Crane Festival occur at Hutchins Street Square which may be another location for the piece, the base height for the piece will depend upon the final location, and it can be passed onto the Arts Commission for site selection.

In response to Mayor Pro Tempore Hitchcock, Mr. King stated the item can be forwarded to the AiPP Board for site selection and brought back to the City Council for final approval.

In response to Council Member Johnson, Mr. Kirsten stated he is not sure if the artist has contacted other communities about the donation but he believes the decision to donate the piece instead of selling it is based upon costs for storage.

Council Member Johnson made a motion, second by Mayor Pro Tempore Hitchcock, to accept the gift of sculpture, "Rite of Spring," from artist Scott Wampler and refer the matter to the Arts in Public Places Board and the Lodi Arts Commission for a recommendation on the site location for placement.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Hansen, Council Member Johnson, Council Member Mounce, Mayor Pro Tempore Hitchcock, and Mayor Katzakian

Noes: None

Absent: None

J-2 Receive Report Regarding Status of Mobile Food Vendor Enforcement Efforts (CM)

City Manager King provided a brief introduction to the subject matter of the mobile food vendors.

Police Chief David Main and Support Services Manager Jeanie Biskup provided a PowerPoint presentation regarding the mobile food vendor ordinance status. Specific topics of discussion included background information, mobile vendor permit process, quarterly inspections, ongoing enforcement, and conclusions.

In response to Council Member Johnson, Ms. Biskup stated enforcement includes an administrative citation, assessment of fees, and pulling of the permit.

In response to Council Member Johnson, Ms. Biskup stated in most cases the vendors want to be

in compliance, there are approximately 20 permitted mobile food vendors, and the challenge is to keep them meeting the requirements.

In response to Council Member Johnson, Ms. Biskup stated most mobile food vendors have written approval of the secondary business they are associated with.

In response to Mayor Pro Tempore Hitchcock, Ms. Biskup stated staff believes the current enforcement efforts are sufficient and effective.

In response to Mayor Pro Tempore Hitchcock, Ms. Biskup stated restroom requirements are for employees because customers cannot be on site for more than 15 minutes.

In response to Mayor Pro Tempore Hitchcock, Chief Main stated Community Improvement Officers are doing the enforcement, while Partners can assist with permitting and licensing.

In response to Council Member Hansen, Ms. Biskup stated there was one citation on Valentine's Day and contact was made with local businesses that had extended products that were encroaching out of the permitted area.

J-3 Introduce Ordinance Amending Lodi Municipal Code Title 15 - Buildings and Construction - by Repealing and Reenacting Chapter 15.60, "Flood Damage Prevention," and Further Amending Lodi Municipal Code Title 17 - Zoning - by Repealing Chapter 17.51 in its Entirety Relating to FP, Floodplain District (PW)

City Manager King and Public Works Director Wally Sandelin gave a brief presentation regarding the proposed ordinance, stating the ordinance is standard and implements Federal Emergency Management Agency requirements regarding floodplains.

Mayor Pro Tempore Hitchcock made a motion, second by Council Member Mounce, to introduce Ordinance No. 1829 amending Lodi Municipal Code Title 15 - Buildings and Construction - by repealing and reenacting Chapter 15.60, "Flood Damage Prevention," and further amending Lodi Municipal Code Title 17 - Zoning - by repealing Chapter 17.51 in its entirety relating to FP, Floodplain District.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Hansen, Council Member Johnson, Council Member Mounce, Mayor Pro Tempore Hitchcock, and Mayor Katzakian

Noes: None

Absent: None

K. Ordinances - None

L. Adjournment

There being no further business to come before the City Council, the meeting was adjourned at 9:30 p.m.

ATTEST:

Randi Johl
City Clerk

**LODI CITY COUNCIL
SHIRTSLEEVE SESSION
CARNEGIE FORUM, 305 WEST PINE STREET
TUESDAY, MARCH 9, 2010**

The March 9, 2010, Informal Informational Meeting ("Shirtsleeve" Session) of the Lodi City Council was canceled.

ATTEST:

Randi Johl
City Clerk



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Approve Specifications and Authorize Advertisement for Bids for 60,000 Feet of #1/0 AWG, 15kV, EPR Insulated, Jacketed Concentric Neutral Underground Cable (EUD)

MEETING DATE: March 17, 2010

PREPARED BY: Interim Electric Utility Director

RECOMMENDED ACTION: Approve specifications and authorize advertisement for bids for 60,000 feet of #1/0 AWG, 15kV, EPR insulated, Jacketed Concentric Neutral underground cable.

BACKGROUND INFORMATION: This cable is a standard component of the City's electric power network. It is used in existing electrical distribution system upgrades and replacements, and in new developments, especially in residential and commercial customer locations.

Planned projects requiring this cable include the Reynolds Ranch development, replacement of old underground cables in Grid 47, Grid 56, and various other underground upgrades and maintenance projects throughout the City. The inventory level is insufficient to meet upcoming needs. This cable was last purchased in December 2008. The 60,000 feet is sufficient to meet existing project requirements with an allowance of 12,000 ft above minimum stock levels for other maintenance needs. The specification is available for review at the EUD office. The lead time is four to six months for delivery.

FISCAL IMPACT: Estimated cost is \$140,000

FUNDING: Included in FY 2009-10 Budget Account No. 160651.7713

Kenneth A. Weisel
Interim Electric Utility Director

PREPARED BY: Demy Bucaneg, Jr., P.E., Assistant Electric Utility Director
Weldat Haile, Senior Power Engineer

KAW/DB/WH//lst

APPROVED: _____
Blair King, City Manager



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Adopt Resolution Awarding Contract for DeBenedetti Park – Phase I Improvements, 2350 South Lower Sacramento Road, to Hemington Landscape Services, Inc., of Cameron Park (\$883,562)

MEETING DATE: March 17, 2010

PREPARED BY: Public Works Director

RECOMMENDED ACTION: Adopt a resolution awarding the contract for the DeBenedetti Park – Phase I Improvements, 2350 South Lower Sacramento Road to Hemington Landscape Services, Inc., of Cameron Park, in the amount of \$883,562.

BACKGROUND INFORMATION: This project consists of providing and installing a new 6-foot high chain link fence, concrete mow strip, concrete flatwork, stamped concrete driveway, automatic irrigation system, Maxicom irrigation control equipment, 50-horsepower irrigation booster pump, drop inlet catch basins and piping, placement and compaction of salvaged asphalt concrete grindings, soil amendments, grading, hydro-seeding of “no-mow” turf, mechanical sprig planting of Bermuda turf and other incidental and related work.

The completion of this project will allow the Parks and Recreation Department to add new play areas for its soccer, flag football, and softball programs. The new fields should be ready for program use in the spring of 2011. This project will also install a “no-mow” turf in the storm drain detention basin area to provide some measure of erosion control and dust control on the slopes of this basin.

Plans and specifications for this project were approved on January 6, 2010. The City received the following 18 bids for this project on February 24, 2010.

Bidder	Location	Bid
Engineer's Estimate		\$ 1,502,646.20
Hemington Landscape Services, Inc.	Cameron Park	\$ 883,562.00
Parker Landscape	Sacramento	\$ 890,361.96
A. M. Stephens Construction	Lodi	\$ 892,676.00
ValleyCrest Landscape	Sacramento	\$ 903,484.40
Diede Construction	Lodi	\$ 907,401.15
Elite Landscape	Clovis	\$ 913,046.77
Perma Green HydroSeed	Gilroy	\$ 935,105.85
Knife River Construction	Stockton	\$ 950,565.20
Goodland Landscape	Tracy	\$ 965,001.28
Granite Construction	Stockton	\$ 968,923.00
Watkins-Bortolussi	San Rafael	\$ 970,046.33
Gateway Landscape	Livermore	\$ 979,600.00

APPROVED: _____
Blair King, City Manager

Bidder	Location	Bid
Blossom Valley	San Jose	\$ 987,088.05
Cleary Brothers	Danville	\$ 997,877.80
Suarez & Munoz Construction	Hayward	\$ 999,467.00
Star Construction	San Bruno	\$ 1,071,663.50
ICE Builders	Anaheim	\$ 1,088,581.78
George Reed, Inc.	Lodi	\$ 1,164,568.40

FISCAL IMPACT: There will be an increase in long-term park and storm drain maintenance costs.

FUNDING AVAILABLE:	Parks Impact Fees (1217040)	\$390,000
	Storm Drain Impact Fee (326040)	\$595,000

Jordan Ayers
Deputy City Manager/Internal Services Director

F. Wally Sandelin
Public Works Director

Prepared by Wesley K. Fujitani, Senior Civil Engineer

cc: City Attorney
Purchasing Officer
Streets and Drainage Superintendent
Parks Superintendent
Management Analyst Areida-Yadav

**DeBENEDETTI PARK PHASE I IMPROVEMENTS
2350 South Lower Sacramento Road**

CONTRACT

CITY OF LODI, CALIFORNIA

THIS CONTRACT made by and between the CITY OF LODI, State of California, herein referred to as the "City," and HEMINGTON LANDSCAPE SERVICES, INC., herein referred to as the "Contractor."

WITNESSETH:

That the parties hereto have mutually covenanted and agreed, and by these presents do covenant and agree with each other, as follows:

The complete Contract consists of the following documents which are incorporated herein by this reference, to-wit:

Notice Inviting Bids	The July 1992 Edition,
Information to Bidders	Standard Specifications,
General Provisions	State of California,
Special Provisions	Business and Transportation Agency,
Bid Proposal	Department of Transportation
Contract	
Contract Bonds	
Plans	

All of the above documents, sometimes hereinafter referred to as the "Contract Documents," are intended to cooperate so that any work called for in one and not mentioned in the other is to be executed the same as if mentioned in all said documents.

ARTICLE I - That for and in consideration of the payments and agreements hereinafter mentioned, to be made and performed by the City and under the condition expressed in the two bonds bearing even date with these presents and hereunto annexed, the Contractor agrees with the City, at Contractor's cost and expense, to do all the work and furnish all the materials except such as are mentioned in the specifications to be furnished by the City, necessary to construct and complete in a good workmanlike and substantial manner and to the satisfaction of the City the proposed improvements as shown and described in the Contract Documents which are hereby made a part of the Contract.

ARTICLE II - The City hereby promises and agrees with the Contractor to employ, and does hereby employ, the Contractor to provide all materials and services not supplied by the City and to do the work according to the terms and conditions for the price herein, and hereby contracts to pay the same as set forth in Section 5.600, "Measurement, Acceptance and Payment," of the General Provisions, in the manner and upon the conditions above set forth; and the said parties for themselves, their heirs, executors, administrators, successors and assigns, do hereby agree to the full performance of the covenants herein contained.

ARTICLE III - The Contractor agrees to conform to the provisions of Chapter 1, Part 7, Division 2 of the Labor Code. The Contractor and any Subcontractor will pay the general prevailing wage rate and other employer payments for health and welfare, pension, vacation, travel time, and subsistence pay, apprenticeship or other training programs. The responsibility for compliance with these Labor Code requirements is on the prime contractor.

ARTICLE IV - And the Contractor agrees to receive and accept the following prices as full compensation for furnishing all materials and for doing all the work contemplated and embraced in this agreement; also for all loss or damage arising out of the nature of the work aforesaid or from the action of the elements, or from any unforeseen difficulties or obstructions which may arise or be encountered in the prosecution of the work until its acceptance by the City, and for all risks of every description connected with the work; also for all expenses incurred by or in consequence of the suspension or discontinuance of work and for well and faithfully completing the work, and the whole thereof, in the manner and according to the Plans and Contract Documents and the requirements of the Engineer under them, to-wit:

The work consists of providing and installing new 6 foot high chain link fence, concrete mow strip, concrete flat work, automatic irrigation system, Maxicom irrigation control equipment, 15HP irrigation booster pump, drop inlet catch basins and piping, underground electrical, placement and compaction of salvaged asphalt grinding roadway, soil amendments, fine grading, hydro-seeding of "no-mow" turf, mechanical sprig planting of Bermuda turf and other incidental and related work, all as shown on the plans and specifications for the project.

DeBENEDETTI PARK LOW FLOW AREA CONTRACT ITEMS

ITEM NO.	DESCRIPTION	UNIT	EST'D QTY	UNIT PRICE	TOTAL PRICE
1.	Clearing and Grubbing	LS	1	\$7,200.00	\$7,200.00
2.	Dust Control	LS	1	\$8,415.01	\$8,415.01
3.	Furnish, Install and Maintain Storm Water Pollution Prevention Plan	LS	1	\$2,700.00	\$2,700.00
4.	Furnish All Labor, Materials and Equipment for Grading basin Areas	SF	696,960	\$0.05	\$34,848.00
5.	Furnish and Install 30-Inch x 60-Inch Water Meter Box	LS	1	\$750.00	\$750.00
6.	Furnish and Install New 6-Inch Water gate Valve and 6-Inch Blow-Off	LS	1	\$850.00	\$850.00
7.	Furnish and Install 6-Inch Ductile Iron Water Line	LF	475	\$30.00	\$14,250.00
8.	Furnish and Install Drop In-Let Catch Basins with 12-Inch Laterals, Concrete Aprons and Rip Rap Outlets	EA	3	\$750.00	\$2,250.00
9.	Furnish and Install 8-Foot Wide Concrete Walkway	SF	16,700	\$3.00	\$50,100.00

ITEM NO.	DESCRIPTION	UNIT	EST'D QTY	UNIT PRICE	TOTAL PRICE
10.	Furnish and Install Concrete Curb Returns with Truncated Domes	EA	2	\$1,050.00	\$2,100.00
11.	Furnish and Install 6-Inch x12-Inch Concrete Curb	LF	26	\$17.34	\$450.84
12.	Furnish and Install Vertical Curb and Gutter	LF	64	\$21.00	\$1,344.00
13.	Furnish and Install 6-Inch Re-Enforced Concrete Driveway Pads	SF	1,400	\$5.00	\$7,000.000
14.	Furnish and Install New Concrete Flat Work Utility Enclosure	SF	1,080	\$3.00	\$3,240.00
15.	Furnish and Install 6-Foot Chain Link Fence with 24-Inch Wide Concrete Mow Strip	LF	2,515	\$34.00	\$85,510.00
16.	Furnish and Install 6-Foot Chain Link Fence	LF	675	\$25.00	\$16,875.00
17.	Furnish and Install 26-Foot Wrought Iron Double Swing Gate with Plate Lettering	EA	1	\$3,800.00	\$3,800.00
18.	Furnish and Install 16-Foot Double Swing Gates	EA	2	\$1,080.00	\$2,160.00
19.	Furnish and Install 8-Foot Double Swing Gate	EA	1	\$803.00	\$803.00
20.	Furnish and Install 4-Foot Man Gate	EA	1	\$559.00	\$559.00
21.	Remove and Re-Install Existing Temporary Chain Link Fencing	LF	2,150	\$2.68	\$5,762.00
22.	Furnish and Install Portable Chain Link Fencing	LF	2,150	\$1.85	\$3,977.50
23.	Furnish and Install Recycled Plastic Header Board and Steel Stakes	LF	1,750	\$5.34	\$9,345.00
24.	Place and Compact Salvaged Asphalt Grindings	CY	320	\$26.44	\$8,460.80

ITEM NO.	DESCRIPTION	UNIT	EST'D QTY	UNIT PRICE	TOTAL PRICE
25.	Furnish and Install Compacted Base Rock at Lwr. Sac. Driveway	CY	30	\$77.00	\$2,310.00
26.	Furnish and Install Stamped Concrete Driveway at Lwr. Sac. Rd.	SF	450	\$13.50	\$6,075.00
27.	Furnish and Install Asphalt Concrete Paving at Lwr. Sac. Rd. Driveway	TON S	14	\$236.00	\$3,304.00
28.	Furnish and Install 6-Inch Double Check Valve Assembly	EA	1	\$5,500.00	\$5,500.00
29.	Furnish and Install 50 HP RainBird VFD Irrigation Booster Pump	EA	1	\$49,100.00	\$49,100.00
30.	Furnish and Install Automatic Irrigation System	SF	872,210	\$0.23	\$200,608.30
31.	Furnish and Install RainBird Maxicom Irrigation Controllers and Enclosures	LS	1	\$42,322.00	\$42,322.00
32.	Furnish All Labor, Materials and Equipment for Soil Amendments and Fertilizer	SF	696,960	\$0.23	\$160,300.80
33.	Furnish and Install Hydro-Seeded "No-Mow" Turf Application	SF	175,250	\$0.08	\$14,020.00
34.	Furnish and Install Mechanical Sprig "Bermuda" Turf Application	SF	696,960	\$0.10	\$69,696.00
35.	Furnish All Labor, Materials and Equipment for Pre-Emergent Herbicide Application	LBS	1,600	\$1.50	\$2,400.00
36.	Furnish & Install 2-Inch Ductile Iron Water Line with Ball Valve & Cap	LF	50	\$20.00	\$1,000.00
37.	Provide a 180-Day Landscape maintenance Period	LS	1	\$50,113.00	\$50,113.00

ITEM NO.	DESCRIPTION	UNIT	EST'D QTY	UNIT PRICE	TOTAL PRICE
38.	Furnish All Labor, materials and Equipment to Relocate (E) Fire Hydrant	LS	1	\$1,800.00	\$1,800.00
39.	Furnish All Labor, Materials and Equipment to Remove and Re-Install (E) "No Parking" Signs	EA	10	\$100.00	\$1,000.00
40.	Excavation Safety	LS	1	\$1,262.75	\$1,262.75

TOTAL: \$883,562.00

ARTICLE V - By my signature hereunder, as Contractor, I certify that I am aware of the provisions of Section 3700 of the Labor Code, which requires every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of that code, and I will comply with such provisions before commencing the performance of the work of this contract.

ARTICLE VI - It is further expressly agreed by and between the parties hereto that, should there be any conflict between the terms of this instrument and the Bid Proposal of the Contractor, then this instrument shall control and nothing herein shall be considered as an acceptance of the said terms of said proposal conflicting herewith.

ARTICLE VII - The City is to furnish the necessary rights-of-way and easements and to establish lines and grades for the work as specified under the Special Provisions. All labor or materials not mentioned specifically as being done by the City will be supplied by the Contractor to accomplish the work as outlined in the specifications.

ARTICLE VIII - The Contractor agrees to commence work pursuant to this contract within 15 calendar days after the Mayor has executed the contract and to diligently prosecute to completion within **120 WORKING DAYS**.

WHEN SIGNING THIS CONTRACT, THE CONTRACTOR AGREES THAT THE TIME OF COMPLETION FOR THIS CONTRACT IS REASONABLE AND THE CONTRACTOR AGREES TO PAY THE CITY LIQUIDATED DAMAGES AS SET FORTH IN SECTION 6-04.03 OF THE SPECIAL PROVISIONS. CONTRACTOR AGREES THAT THIS AMOUNT MAY BE DEDUCTED FROM THE AMOUNT DUE THE CONTRACTOR UNDER THE CONTRACT.

IN WITNESS WHEREOF, the parties to these presents have hereunto set their hands the year and date written below.

CONTRACTOR:

CITY OF LODI

Blair King
City Manager, City of Lodi

By: _____

Attest:


Title

Randi Johl
City Clerk

(CORPORATE SEAL)

Dated: _____

Approved as to form:



D. Stephen Schwabauer
City Attorney

RESOLUTION NO. 2010-_____

A RESOLUTION OF THE LODI CITY COUNCIL
AWARDING CONTRACT FOR DEBENEDETTI PARK
PHASE I IMPROVEMENTS, 2350 SOUTH LOWER
SACRAMENTO ROAD

=====

WHEREAS, in answer to notice duly published in accordance with law and the order of this City Council, sealed bids were received and publicly opened on February 24, 2010, at 11:00 a.m. for the DeBenedetti Park Phase I Improvements, 2350 South Lower Sacramento Road, described in the plans and specifications therefore approved by the City Council on January 6, 2010; and

WHEREAS, said bids have been checked and tabulated and a report thereof filed with the City Manager as follows:

Bidder	Bid
Hemington Landscape Services, Inc.	\$ 883,562.00
Parker Landscape	\$ 890,361.96
A. M. Stephens Construction	\$ 892,676.00
ValleyCrest Landscape	\$ 903,484.40
Diede Construction	\$ 907,401.15
Elite Landscape	\$ 913,046.77
Perma Green HydroSeed	\$ 935,105.85
Knife River Construction	\$ 950,565.20
Goodland Landscape	\$ 965,001.28
Granite Construction	\$ 968,923.00
Watkins-Bortolussi	\$ 970,046.33
Gateway Landscape	\$ 979,600.00
Blossom Valley	\$ 987,088.05
Cleary Brothers	\$ 997,877.80
Suarez & Munoz Construction	\$ 999,467.00
Star Construction	\$1,071,663.50
ICE Builders	\$1,088,581.78
George Reed, Inc.	\$1,164,568.40

WHEREAS, staff recommends awarding the contract for the DeBenedetti Park Phase I Improvements, 2350 South Lower Sacramento Road, to the low bidder, Hemington Landscape Services, Inc., of Cameron Park, California.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby award the contract for the DeBenedetti Park Phase I Improvements, 2350 South Lower Sacramento Road, to the low bidder, Hemington Landscape Services, Inc., of Cameron Park, California, in the amount of \$883,562.00.

Dated: March 17, 2010

=====

I hereby certify that Resolution No. 2010-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held March 17, 2010, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

RANDI JOHL
City Clerk



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Adopt Resolution Authorizing City Manager to Execute Professional Services Agreement with Mark Thomas & Company, of Sacramento, for Preparation of the Harney Lane/Union Pacific Railroad Grade Separation Feasibility Study Report (\$49,184) and Appropriating Funds (\$58,000)

MEETING DATE: March 17, 2010

PREPARED BY: Public Works Director

RECOMMENDED ACTION: Adopt a resolution authorizing the City Manager to execute a professional services agreement with Mark Thomas & Company, of Sacramento, for preparation of the Harney Lane/Union Pacific Railroad Grade Separation Feasibility Study Report in the amount of \$49,184 and appropriating \$58,000.

BACKGROUND INFORMATION: At the June 17, 2009 City Council meeting a resolution was adopted authorizing the Harney Lane Grade Separation to be the City's preferred project for the Measure K Railroad Grade Separation Program. A feasibility study report is the first step in the process that will lead to design and ultimately construction.

Mark Thomas & Company is uniquely qualified for this type of grade separation project as it recently completed the design of three similar grade separation projects for the City of Stockton. In addition, Mark Thomas & Company is working for the City on the Harney Lane Specific Plan project. Information obtained from this feasibility study will also be used to establish the future right-of-way line along this segment of Harney Lane for the Harney Lane Specific Plan project.

The consultant for this project, Mark Thomas & Company, will gather information on the stakeholders, utilities, existing traffic data, and record drawings from the City, County and UPRR involved in the grade separation. The consultant will develop four alternatives, evaluate each alternative, prepare preliminary cost estimates for each alternative and develop a feasibility study based on their findings.

Funding for the grade separation feasibility study work is coming from the Measure K funds allocated to the Harney Lane Specific Plan project. The requested appropriation contains funds to cover contingencies.

FISCAL IMPACT: None.

FUNDING AVAILABLE: Appropriation of the following funds is required.
Measure K Grant (325): \$58,000

Jordan Ayers
Deputy City Manager/Internal Services Director

F. Wally Sandelin
Public Works Director

Prepared by Chris Boyer, Junior Engineer
FWS/CB/pmf

APPROVED: _____
Blair King, City Manager

AGREEMENT FOR CONSULTING SERVICES

ARTICLE 1 PARTIES AND PURPOSE

Section 1.1 Parties

THIS AGREEMENT is entered into on _____, by and between the CITY OF LODI, a municipal corporation (hereinafter "CITY"), and Mark Thomas & Company (hereinafter "CONSULTANT").

Section 1.2 Purpose

CITY selected the CONSULTANT to provide a feasibility study report required in accordance with attached scope of services, Exhibit A.

CITY wishes to enter into an agreement with CONSULTANT for Harney Lane/UPRR Grade Separation Project (hereinafter "Project") as set forth in the Scope of Services attached here as Exhibit A.

ARTICLE 2 SCOPE OF SERVICES

Section 2.1 Scope of Services

CONSULTANT, for the benefit and at the direction of CITY, shall perform the scope of services as set forth in Exhibit A, attached and incorporated by this reference.

Section 2.2 Time For Commencement and Completion of Work

CONSULTANT shall commence work within ten (10) days of executing this Agreement, and complete work under this Agreement based on a mutually agreed upon timeline.

CONSULTANT shall submit to CITY one final feasibility study and other project deliverables for the Project, as indicated in the attached project scope of services.

CONSULTANT shall not be responsible for delays caused by the failure of CITY staff or agents to provide required data or review documents within the appropriate time frames. The review time by CITY and any other agencies involved in the project shall not be counted against CONSULTANT's contract performance period. Also, any delays due to weather, vandalism, acts of God, etc., shall not be counted. CONSULTANT shall remain in contact with reviewing agencies and make all efforts to review and return all comments.

Section 2.3 Meetings

CONSULTANT shall attend meetings as indicated in the Scope of Services, Exhibit A.

Section 2.4 Staffing

CONSULTANT acknowledges that CITY has relied on CONSULTANT's capabilities and on the qualifications of CONSULTANT's principals and staff as identified in its proposal to CITY. The scope of services shall be performed by CONSULTANT, unless agreed to otherwise by CITY in writing. CITY shall be notified by CONSULTANT of any change of Project Manager and CITY is granted the right of approval of all original, additional and replacement personnel in CITY's sole discretion and shall be notified by CONSULTANT of any changes of CONSULTANT's project staff prior to any change.

CONSULTANT represents that it is prepared to and can perform all services within the scope of services specified in Exhibit A. CONSULTANT represents that it has, or will have at the time this Agreement is executed, all licenses, permits, qualifications, insurance and approvals of whatsoever nature are legally required for CONSULTANT to practice its profession, and that CONSULTANT shall, at its own cost and expense, keep in effect during the life of this Agreement all such licenses, permits, qualifications, insurance and approvals.

Section 2.5 Subcontracts

CITY acknowledges that CONSULTANT may subcontract certain portions of the scope of services to subconsultants as specified and identified in Exhibit A. Should any subconsultants be replaced or added after CITY's approval, CITY shall be notified within ten (10) days and said subconsultants shall be subject to CITY's approval prior to initiating any work on the Project. CONSULTANT shall remain fully responsible for the complete and full performance of said services and shall pay all such subconsultants.

ARTICLE 3 COMPENSATION

Section 3.1 Compensation

CONSULTANT's compensation for all work under this Agreement shall not exceed the amount of Fee Proposal, attached as a portion of Exhibit A.

CONSULTANT shall not undertake any work beyond the scope of this Agreement unless such additional work is approved in advance and in writing by CITY.

Section 3.2 Method of Payment

CONSULTANT shall submit invoices for completed work on a monthly basis, providing, without limitation, details as to amount of hours, individual performing said work, hourly rate, and indicating to what aspect of the scope of services said work is attributable.

Section 3.3 Costs

The fees shown on Exhibit A include all reimbursable costs required for the performance of the individual work tasks by CONSULTANT and/or subconsultant and references to reimbursable costs located on any fee schedules shall not apply. Payment of additional reimbursable costs considered to be over and above those inherent in the original Scope of Services shall be approved by CITY.

CONSULTANT charge rates are attached and incorporated with Exhibit A. The charge rates for CONSULTANT shall remain in effect and unchanged for the duration of the Project unless approved by CITY.

Section 3.4 Auditing

CITY reserves the right to periodically audit all charges made by CONSULTANT to CITY for services under this Agreement. Upon request, CONSULTANT agrees to furnish CITY, or a designated representative, with necessary information and assistance.

CONSULTANT agrees that CITY or its delegate will have the right to review, obtain and copy all records pertaining to performance of this Agreement. CONSULTANT agrees to provide CITY or its delegate with any relevant information requested and shall permit CITY or its delegate access to its premises, upon reasonable notice, during normal business hours for the purpose of interviewing employees and inspecting and copying such books, records, accounts, and other material that may be relevant to a matter under investigation for the purpose of determining compliance with this requirement. CONSULTANT further agrees to maintain such records for a period of three (3) years after final payment under this Agreement.

ARTICLE 4 MISCELLANEOUS PROVISIONS

Section 4.1 Nondiscrimination

In performing services under this Agreement, CONSULTANT shall not discriminate in the employment of its employees or in the engagement of any

subconsultants on the basis of race, color, religion, sex, sexual orientation, marital status, national origin, ancestry, age, or any other criteria prohibited by law.

Section 4.2 Responsibility for Damage

CONSULTANT shall indemnify and save harmless the City of Lodi, the City Council, elected and appointed Boards, Commissions, all officers and employees or agent from any suits, claims or actions brought by any person or persons for or on account of any injuries or damages sustained or arising from the services performed in this Agreement but only to the extent caused by the negligent acts, errors or omissions of the consultant and except those injuries or damages arising out of the active negligence of the City of Lodi or its agents, officers or agents.

Section 4.3 No Personal Liability

Neither the City Council, the City Engineer, nor any other officer or authorized assistant or agent or employee shall be personally responsible for any liability arising under this Agreement.

Section 4.4 Responsibility of CITY

CITY shall not be held responsible for the care or protection of any material or parts of the work prior to final acceptance, except as expressly provided herein.

Section 4.5 Insurance Requirements for CONSULTANT

CONSULTANT shall take out and maintain during the life of this Agreement, insurance coverage as listed below. These insurance policies shall protect CONSULTANT and any subcontractor performing work covered by this Agreement from claims for damages for personal injury, including accidental death, as well as from claims for property damages, which may arise from CONSULTANT'S operations under this Agreement, whether such operations be by CONSULTANT or by any subcontractor or by anyone directly or indirectly employed by either of them, and the amount of such insurance shall be as follows:

1. COMPREHENSIVE GENERAL LIABILITY

\$1,000,000 Bodily Injury -

Ea. Occurrence/Aggregate

\$1,000,000 Property Damage -

Ea. Occurrence/Aggregate

or

\$1,000,000 Combined Single Limits

2. COMPREHENSIVE AUTOMOBILE LIABILITY

\$1,000,000 Bodily Injury - Ea. Person

\$1,000,000 Bodily Injury - Ea. Occurrence

\$1,000,000 Property Damage - Ea. Occurrence

or

\$1,000,000 Combined Single Limits

NOTE: CONSULTANT agrees and stipulates that any insurance coverage provided to CITY shall provide for a claims period following termination of coverage.

A copy of the certificate of insurance with the following endorsements shall be furnished to CITY:

(a) Additional Named Insured Endorsement

Such insurance as is afforded by this policy shall also apply to the City of Lodi, its elected and appointed Boards, Commissions, Officers, Agents, Employees and Volunteers as additional named insureds insofar as work performed by the insured under written Agreement with CITY. (This endorsement shall be on a form furnished to CITY and shall be included with CONSULTANT'S policies.)

(b) Primary Insurance Endorsement

Such insurance as is afforded by the endorsement for the Additional Insureds shall apply as primary insurance. Any other insurance maintained by the City of Lodi or its officers and employees shall be excess only and not contributing with the insurance afforded by this endorsement.

(c) Severability of Interest Clause

The term "insured" is used severally and not collectively, but the inclusion herein of more than one insured shall not operate to increase the limit of the company's liability.

(d) Notice of Cancellation or Change in Coverage Endorsement

This policy may not be canceled by the company without 30 days' prior written notice of such cancellation to the City Attorney, City of Lodi, P.O. Box 3006, Lodi, CA 95241.

(e) CONSULTANT agrees and stipulates that any insurance coverage provided to CITY shall provide for a claims period following termination of coverage which is at least consistent with the claims period or statutes of limitations found in the

California Tort Claims Act (California Government Code Section 810 et seq.). "Claims made" coverage requiring the insureds to give notice of any potential liability during a time period shorter than that found in the Tort Claims Act shall be unacceptable.

Section 4.6 Worker's Compensation Insurance

CONSULTANT shall take out and maintain during the life of this Agreement, Worker's Compensation Insurance for all of CONSULTANT'S employees employed at the site of the project and, if any work is sublet, CONSULTANT shall require the subcontractor similarly to provide Worker's Compensation Insurance for all of the latter's employees unless such employees are covered by the protection afforded by the CONSULTANT. In case any class of employees engaged in hazardous work under this Agreement at the site of the project is not protected under the Worker's Compensation Statute, CONSULTANT shall provide and shall cause each subcontractor to provide insurance for the protection of said employees. This policy may not be canceled nor the coverage reduced by the company without 30 days' prior written notice of such cancellation or reduction in coverage to the City Attorney, City of Lodi, P.O. Box 3006, Lodi, CA 95241.

Section 4.7 Attorney's Fees

In the event any dispute between the parties arises under or regarding this Agreement, the prevailing party in any litigation of the dispute shall be entitled to reasonable attorney's fees from the party who does not prevail as determined by the court.

Section 4.8 Successors and Assigns

CITY and CONSULTANT each bind themselves, their partners, successors, assigns, and legal representatives to this Agreement without the written consent of the others. CONSULTANT shall not assign or transfer any interest in this Agreement without the prior written consent of CITY. Consent to any such transfer shall be at the sole discretion of CITY.

Section 4.9 Notices

Any notice required to be given by the terms of this Agreement shall be deemed to have been given when the same is personally served or sent by certified mail or express or overnight delivery, postage prepaid, addressed to the respective parties as follows:

To CITY: City of Lodi
F. Wally Sandelin, Public Works Director
221 West Pine Street
P.O. Box 3006
Lodi, CA 95241-1910

To CONSULTANT: _____

Section 4.10 Cooperation of CITY

CITY shall cooperate fully in a timely manner in providing relevant information that it has at its disposal.

Section 4.11 CONSULTANT is Not an Employee of CITY

It is understood that CONSULTANT is not acting hereunder in any manner as an employee of CITY, but solely under this Agreement as an independent contractor.

Section 4.12 Termination

CITY may terminate this Agreement by giving CONSULTANT at least ten (10) days written notice. Where phases are anticipated within the Scope of Services, at which an intermediate decision is required concerning whether to proceed further, CITY may terminate at the conclusion of any such phase. Upon termination, CONSULTANT shall be entitled to payment as set forth in the attached Exhibit A to the extent that the work has been performed. Upon termination, CONSULTANT shall immediately suspend all work on the Project and deliver any documents or work in progress to CITY. However, CITY shall assume no liability for costs, expenses or lost profits resulting from services not completed or for contracts entered into by CONSULTANT with third parties in reliance upon this Agreement.

Section 4.13 Severability

The invalidity in whole or in part of any provision of this Agreement shall not void or affect the validity of any other provision of this Agreement.

Section 4.14 Captions

The captions of the sections and subsections of this Agreement are for convenience only and shall not be deemed to be relevant in resolving any question or interpretation or intent.

Section 4.15 Integration and Modification

This Agreement represents the entire integrated Agreement between CONSULTANT and CITY; supersedes all prior negotiations, representations, or Agreements, whether written or oral, between the parties; and may be amended only be written instrument signed by CONSULTANT and CITY.

Section 4.16 Applicable Law and Venue

This Agreement shall be governed by the laws of the State of California. Venue for any court proceeding brought under this Agreement will be with the San Joaquin County Superior Court.

Section 4.17 Contract Terms Prevail

All exhibits and this Agreement are intended to be construed as a single document. Should any inconsistency occur between the specific terms of this Agreement and the attached exhibits, the terms of this Agreement shall prevail.

Section 4.18 Authority

The undersigned hereby represent and warrant that they are authorized by the parties to execute this Agreement.

Section 4.19 Ownership of Documents

All documents, photographs, reports, analyses, audits, computer tapes or cards, or other material documents or data, and working papers, whether or not in final form, which have been obtained or prepared for this project, shall be deemed the property of CITY. Upon CITY's request, CONSULTANT shall allow CITY to inspect all such documents during regular business hours. Upon termination or completion, all information collected, work product and documents shall be delivered by CONSULTANT to CITY within ten (10) days.

CITY agrees to indemnify, defend and hold CONSULTANT harmless from any liability resulting from CITY's use of such documents for any purpose other than the purpose for which they were prepared.

IN WITNESS WHEREOF, CITY and CONSULTANT have executed this Agreement as of the date first above written.

CITY OF LODI, a municipal corporation

ATTEST:

By _____
RANDI JOHL
CITY CLERK

By _____
BLAIR KING
CITY MANAGER

APPROVED AS TO FORM:

Dated: _____

By _____
D. STEPHEN SCHWABAUER
CITY ATTORNEY



By: _____

Its: _____

SCOPE OF WORK**TASK 1.0 - Project Management****1.1 Kick-Off Meeting & PDT Coordination Meeting**

MTCO will coordinate a kick-off meeting with the proposed PDT members. At the kick-off meeting, the scope of work and schedule will be reviewed. It is anticipated that the PDT will consist of MTCO, the City of Lodi, and other agencies/organizations deemed appropriate by the City Project Manager. The purpose of the kick-off meeting is to brainstorm ideas, develop project goals, and get all PDT members on the same page before the project work begins. This forum will allow the PDT members to identify and exchange relevant existing information and data.

PDT meetings will be held with representatives from the City and other outside parties as necessary (assume 1 meeting after submittal of Draft Feasibility Study), with more frequent communication via e-mail or telephone as required keeping the City's Project Manager up-to-date on the status of the project issues and action items.

This task includes preparation of meeting agenda in consultation with the City's Project Manager, distribution of approved meeting agenda, arrangement of attendance of meeting participants, and preparation and distribution of meeting minutes, including recap of actions to be taken prior to the next meeting.

Progress Reports will be provided with the submittal of the monthly invoice packages showing the status of the project budget vs. the amount of work completed.

1.2 Coordination with UPRR and Utility Companies

MTCO will prepare and mail (on City letterhead) Utility "A" Plans per the City of Lodi Standards. MTCO will map the existing utilities on an aerial photo based on as-built plans, utility maps, and field observation of above-ground utilities. The utilities will be mapped within the project limits only.

This task will include ongoing agency coordination, including coordination with the City of Lodi, UPRR, and other project stakeholders. This task will include preparing memos, letters, e-mail, and phone calls necessary to manage the project.

TASK 1.0 – Deliverables:

- An agenda and one set of meeting notes with action items for each team member/meeting attendee. (Up to 2 Meetings)
- Monthly progress report with action items, schedule updates, and invoice. (Up to 6 reports)

TASK 2.0 – Data Collection**2.1 Data Gathering**

Following the kick-off meeting, the MTCO team will compile existing background data that City Staff and other stakeholders have provided for the project area. MTCO will collect available record mapping (records of survey, subdivision maps, parcel maps, etc.) and as-builts from a number of sources, including the City, County and UPRR. Data and documents we anticipate receiving include, but are not limited to, existing plans, documents, studies and statistical data (e.g. ADT volumes, etc.) that will provide information relating to: existing traffic data, existing permits and easements, and existing trails, facilities and activity areas within the

project corridor.

TASK 3.0 - Alternative Development & Evaluation / Feasibility Study

3.1 Preliminary Alternatives

MTCO will develop up to four alternatives for a railroad grade separation alteration at the Harney Lane/UPRR crossing (Two overhead alternatives and two underpass alternatives). The alternatives will be shown on a plan/profile exhibit. The plan view will show a construction control line, and a roadway width based on recommendations from the City's General Plan. These alternatives will be based on existing land uses, prominent physical features, restricted land uses, environmental and right of way impacts. The conceptual alternatives developed are intended to generate discussion and input from project stakeholders.

3.2 Preliminary Project Cost Estimates

MTCO will prepare preliminary project cost estimates for each alternative using most current bid results and the Caltrans website to determine the latest price indices. This cost estimate will include construction costs, Right of Way costs, utility relocation costs, and environmental mitigation costs.

3.3 Draft Feasibility Study

MTCO will prepare a preliminary feasibility study that will evaluate each alternative with the various project elements studied above. This report will consist of findings resulting from the Data Gathering task, right-of-way impacts, traffic impacts, project cost and their respective impacts associated with each alternative developed. The report will summarize and tabulate findings into an easy-to-read comparison of alternatives. MTCO will also provide internal quality control on products submitted to the City. The submittal package will be reviewed for accuracy, clarity, consistency, adherence to design and drafting standards, and cost effectiveness.

3.4 Final Feasibility Study

Based on comments received from the Draft Feasibility Study, MTCO will combine the information developed and prepare a Final Feasibility Study Report.

TASK 3.0 – Deliverables:

- Draft Feasibility Study (6 copies)
- Final Feasibility Study (6 copies)

Mark Thomas & Company Inc. - Proposal for Harney Lane / UPRR Grade Separation Feasibility Study

PROJECT TASK													MTCO		TOTAL FEE	
	SUBTOTAL						SUBTOTAL									
	P-I-C	Sr. Project Manager	Sr. Project Engineer	Sr. Design Engineer	CADD Technician	Land Surveyor	Project Surveyor	2-Person Crew	P-I-C	Sr. Project Manager	Sr. Project Engineer	Sr. Design Engineer	CADD Technician	Land Surveyor		Project Surveyor
Task 1 - Project Management																
1.1 Kick Off Meeting & (PDT) Meeting / Progress Reports	2	12	8						22	\$580	\$2,304	\$1,280				
1.2 Coordination with UPRR and Utility Companies	2	4	8	24					38	\$580	\$768	\$1,280	\$3,120			
Task 1 Subtotal	4	16	16	24					60	\$1,160	\$3,072	\$2,560	\$3,120			
Task 2 - Data Collection																
2.1 Data Gathering			8	16					24			\$1,280	\$2,080			
Task 2 Subtotal			8	16					24			\$1,280	\$2,080			
Task 3 - Alternative Development & Evaluation / Feasibility Study																
3.1 Preliminary Alternatives	2	8	24	40	48				122	\$580	\$1,536	\$3,840	\$5,200	\$4,800		
3.2 Preliminary Project Cost Estimates	2	2	8	24					36	\$580	\$384	\$1,280	\$3,120			
3.3 Draft Feasibility Study	4	8	16	32					60	\$1,160	\$1,536	\$2,560	\$4,160			
3.4 Final Feasibility Study	2	8	16						26	\$580	\$1,536	\$2,560				
Task 4 Subtotal	10	26	64	96	48				244	\$2,900	\$4,992	\$10,240	\$12,480	\$4,800		
Reimbursables																
Grand Total	14	42	88	136	48				328	\$4,060	\$8,064	\$14,080	\$17,680	\$4,800		

RESOLUTION NO. 2010-_____

A RESOLUTION OF THE LODI CITY COUNCIL AUTHORIZING
THE CITY MANAGER TO EXECUTE PROFESSIONAL
SERVICES AGREEMENT WITH MARK THOMAS & COMPANY
FOR PREPARATION OF HARNEY LANE/UNION PACIFIC
RAILROAD GRADE SEPARATION FEASIBILITY STUDY
REPORT AND FURTHER APPROPRIATING FUNDS

=====

WHEREAS, recent project approvals by the City Council of the Reynolds Ranch, Southwest Gateway, and Westside Annexations require that reconstruction and widening of Harney Lane from two lanes to four lanes be completed to serve the demands resulting from development of these projects, and Harney Lane will need a grade separation at the Union Pacific Railroad crossing in order to accommodate the four-lane configuration; and

WHEREAS, Mark Thomas & Company will gather information on the stake holders, utilities, existing traffic data, and as-builts from the City, County and UPRR involved in the grade separation and will then develop four alternatives, evaluate each alternative, prepare preliminary cost estimates for each alternative and develop a feasibility study based on their findings; and

WHEREAS, the grade separation feasibility study report will be funded by Measure K funds.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby authorize the City Manager to execute a professional services agreement with Mark Thomas & Company, of Sacramento, California, in the amount of \$49,184 for the preparation of the Harney Lane/ Union Pacific Railroad Grade Separation Feasibility Report; and

BE IT FURTHER RESOLVED that funds be appropriated in the amount of \$58,000 from Measure K Grant funds for this project.

Dated: March 17, 2010

=====

I hereby certify that Resolution No. 2010-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held March 17, 2010, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

RANDI JOHL
City Clerk



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Adopt Resolution Authorizing City Manager to Execute the Amendment Terminating Reimbursement Agreement Effective July 1, 2010 with North San Joaquin Water Conservation District for City Administrative Services Provided to the District

MEETING DATE: March 17, 2010

PREPARED BY: Public Works Director

RECOMMENDED ACTION: Adopt a resolution authorizing the City Manager to execute the amendment terminating the Reimbursement Agreement effective July 1, 2010 with North San Joaquin Water Conservation District for City administrative services provided to the District.

BACKGROUND INFORMATION: For the past several years, North San Joaquin Water Conservation District (District) has utilized the City Public Works Department (Department) administrative staff for administrative services including processing meeting minutes, distribution of Board packets, preparation of correspondence, and District mailings.

Over the past year, staff services provided to the District have significantly increased. At the same time, the Department has needed to cope with less staff, fewer work hours with furloughs and greater work load with a number of large capital projects including street maintenance, water meter installations, infrastructure replacement, surface water treatment plant, PCE cleanup program and others. As a result, it is in the City's best interest to terminate the Agreement at this time to allow the District to make arrangements to cover its administrative needs. Termination will be effective July 1, 2010.

FISCAL IMPACT: Not applicable.

FUNDING AVAILABLE: Not applicable.

F. Wally Sandelin
Public Works Director

FWS/pmf
cc: Ed Steffani, North San Joaquin Water Conservation District

APPROVED: _____
Blair King, City Manager

AMENDMENT TO NORTH SAN JOAQUIN WATER CONSERVATION DISTRICT
REIMBURSEMENT AGREEMENT

THIS AMENDMENT TO NORTH SAN JOAQUIN WATER CONSERVATION DISTRICT REIMBURSEMENT AGREEMENT, is made and effective this 1st day of July, 2010, by and between the City of Lodi, a municipal corporation, hereinafter called "CITY", and North San Joaquin Water Conservation District, hereinafter called "DISTRICT."

RECITALS

1. CITY and DISTRICT, entered into a Reimbursement Agreement dated April 10, 2008, whereby CITY agreed to provide DISTRICT with various administrative and engineering services associated with operations of DISTRICT based on an agreed fee schedule. A true and correct copy of the Reimbursement Agreement is attached hereto as Exhibit A and made a part hereof by this reference.
2. The Reimbursement Agreement did not set forth a term for the services of CITY or provision for termination of the Agreement.
3. CITY has determined that it will no longer be able to provide DISTRICT with its services after July 1, 2010.

NOW THEREFORE, CITY and DISTRICT agree as follows:

1. TERMINATION DATE: The Reimbursement Agreement, and all obligations of CITY and DISTRICT thereunder, will terminate on July 1, 2010.
2. DISTRICT'S EVERGREEN DEPOSIT: All funds remaining in the Evergreen Deposit, if any, shall be refunded to DISTRICT by CITY within 10-days of the termination of the Reimbursement Agreement.

IN WITNESS WHEREOF, CITY and DISTRICT have executed this Amendment to North San Joaquin Water Conservation District Reimbursement Agreement on _____, 2010.

"CITY"
CITY OF LODI, a municipal corporation

"DISTRICT"
NORTH SAN JOAQUIN WATER
CONSERVATION DISTRICT

BLAIR KING, City Manager

Attest:

RANDI JOHL, City Clerk

Approved as to Form:

JANICE D. MAGDICH, Deputy City Attorney

By: _____

Name: _____

Title: _____

Address: _____

**NORTH SAN JOAQUIN WATER CONSERVATION DISTRICT
REIMBURSEMENT AGREEMENT**

Exhibit A

This Agreement is made on _____, 2008 by and between the City of Lodi, a municipal corporation, hereafter referred to as "CITY" and North San Joaquin Water Conservation District, hereafter referred to as "DISTRICT".

RECITALS

- A. DISTRICT wishes to SEEK the services of the CITY to complete various administrative and engineering services associated with the operations of the DISTRICT.
- B. The CITY'S policies and procedures require that the DISTRICT bear the full cost of providing the services requested by the DISTRICT including the payment of all CITY fees, payment of all CITY staff time, purchased supplies and equipment necessary to perform the engineering, legal, environmental and planning services requested by DISTRICT.

NOW THEREFORE in consideration of the mutual covenants made herein, the parties agree as follows:

- 1. RECITALS TRUE AND CORRECT. The parties agree that the "RECITALS" contained herein above are true and correct.
- 2. EXPENSE REIMBURSEMENT. DISTRICT will reimburse CITY for all CITY staff time, contract services, purchased supplies and equipment necessary to perform the administrative services requested by the DISTRICT. The applicable hourly rates for staff are presented in Attachment A.
- 3. CITY WORK A PRIORITY. DISTRICT acknowledges CITY will provide services and materials on an as-available basis. Nothing in this agreement requires CITY to provide services or grant DISTRICT needs priority over CITY needs.
- 4. DISTRICT'S DEPOSIT AND PAYMENT OF COSTS. Upon execution of the Agreement, DISTRICT shall deposit \$5,000.00 cash with the CITY. The CITY will hold the deposit and charge in house expenses incurred against the deposit. In the event that the deposit is drawn down to a balance of less than \$2,500.00, DISTRICT shall deposit additional funds in such amount as directed by CITY to maintain an Evergreen balance of at least \$5,000.00 ("Evergreen Deposit"). DISTRICT shall deposit the Evergreen Deposit within 15 days of receiving notice from the CITY. In the event that funds remain on deposit at the conclusion of the services contemplated by this agreement; they shall be refunded to DISTRICT.
- 5. DISTRICT'S FAILURE TO PAY. Should the DISTRICT fail to make any of the payments in the amounts and at the times stated in Section 4 DISTRICT'S DEPOSIT AND PAYMENT OF COSTS, the CITY may, at its option, stop all further work and not proceed until the sums due are paid. Should the DISTRICT discontinue the need for services from the CITY, the DISTRICT shall be responsible for the payment to CITY of all fees and costs incurred by the CITY at the time the services are discontinued, including such fees and costs for all work in progress but not yet billed.

6. NO DAMAGES FOR DELAY. The CITY, its officers, agents, or employees shall not be responsible or liable to the DISTRICT for any damages of any type or description which may result from any delays associated with the work whether caused by the negligence of the CITY, its officers, agents, employees, or otherwise.
7. CALIFORNIA LAW. This Agreement shall be construed and interpreted both as to validity and to performance of the parties in accordance with the laws of the State of California. Legal actions concerning any dispute, claim, or matter arising out of or in relation to this Agreement shall be instituted in the Superior Court of the County of San Joaquin, State of California, or any other appropriate court in such county, and DISTRICT covenants and agrees to submit to the personal jurisdiction of such court in the event of such action.
8. WAIVER. No delay or omission in the exercise of the right or remedy by a non-defaulting party on any default shall impair such right or remedy or be construed as a waiver. Any waiver by either party or any default must be in writing and shall not be a waiver of any other default concerning the same and any other provision of this Agreement.
9. ATTORNEY FEES. If either party to this Agreement is required to initiate or defend or is made a party to any action or proceeding in any way connected with this Agreement, the prevailing party in such action or proceeding, in addition to any other relief which may be granted, whether legal or equitable, shall be entitled to reasonable attorneys' fees. Attorneys' fees shall include attorneys' fees on any appeal, and in addition a party entitled to attorneys' fees shall be entitled to all other reasonable costs for investigating such action, taking depositions and discovery, and all other necessary costs the court allows which are incurred in such litigation. All such fees shall be deemed to have accrued on commencement of such action and shall be enforceable whether or not such action is prosecuted to judgment.
10. INTERPRETATION. The terms of this Agreement shall be construed in accordance with the meaning of the language used and shall not be construed for or against either party by reason of the authorship of this Agreement or any other rule of construction which might otherwise apply.
11. INTEGRATION: AMENDMENT. It is understood that there are no oral agreements between the parties hereto affecting this Agreement and this Agreement supersedes and cancels any and all previous negotiations, arrangements, agreements, and understandings, if any, between the parties, and none shall be used to interpret this Agreement. This Agreement may be amended at any time by the mutual consent of the parties by an instrument in writing.
12. SEVERABILITY. In the event that any one or more of the phrases, sentences, clauses, paragraphs, or sections contained in this Agreement shall be declared invalid or unenforceable by a valid judgment or decree of a court of competent jurisdiction, such invalidity or unenforceability shall not affect any of the remaining phrases, sentences, clauses, paragraphs, or sections of this Agreement which are hereby declared as severable and shall be interpreted to carry out the intent of the parties hereunder unless the invalid provision is so material that its validity deprives either party of the basic benefit of their bargain or renders this Agreement meaningless.
13. CORPORATE AUTHORITY. The persons executing this Agreement on behalf of the parties hereto warrant that (i) such party is duly organized and existing, (ii) they are duly authorized to execute and deliver this Agreement on behalf of said party, (iii) by so executing this Agreement, such party is formally bound to the provisions of this Agreement, and (iv)

the entering into this Agreement does not violate any provision of any other Agreement to which said party is bound. IN WITNESS WHEREOF, the parties have executed and entered into this Agreement as of the date first written above.

14. INDEMNIFICATION, DEFENSE AND HOLD HARMLESS.

- a. DISTRICT shall indemnify, defend and hold harmless the CITY, its council members, officers, agents, employees, and representatives for damage or claims for damage arising out of the acts of DISTRICT or its agents or employees, its council members, officers, agents, employees or representatives. DISTRICT'S obligation shall not extend to any award of punitive damages against the CITY resulting from the conduct of the CITY, its council members, officers, agents, employees or representatives.
- b. With respect to any action challenging the validity of this Agreement or any environmental, financial or other documentation related to approval of this Agreement, DISTRICT further agrees to defend, indemnify, hold harmless, pay all damages, costs and fees, if any incurred to either the CITY or plaintiff (s) filing such an action should a court award plaintiff(s) damages, costs and fees, and to provide a defense for the CITY in any such action.

IN WITNESS WHEREOF, the parties have executed and entered into this Agreement as of the date first written above.

ATTEST:

By: _____

Randi Johl, City Clerk

THE CITY OF LODI

By: _____

Blair King, City Manager

APPROVED AS TO FORM:

By: _____

D. Stephen Schwabauer, City Attorney

DISTRICT

By: _____

Name: _____

ED STEFFANI

Title: _____

GENERAL MANAGER

Address: _____

PO Box 428

CLEMENTS, CA 95227

Attachment A

PUBLIC WORKS ENGINEERING HOURLY RATES
FY 2007/08

• Public Works Director	\$110/Hr
• City Engineer	\$90/Hr
• Senior Civil Engineer	\$80/Hr
• Senior Traffic Engineer	\$80/Hr
• Associate Civil Engineer	\$75/Hr
• Junior Engineer/ Senior Engineering Technician	\$60/Hr
• Administrative Clerk	\$40/Hr
• Assistant Engineer	\$68/Hr
• Engineering Technician	\$55/Hr

RESOLUTION NO. 2010-_____

A RESOLUTION OF THE LODI CITY COUNCIL
AUTHORIZING THE CITY MANAGER TO EXECUTE
AMENDMENT TERMINATING THE REIMBURSEMENT
AGREEMENT WITH NORTH SAN JOAQUIN WATER
CONSERVATION DISTRICT FOR CITY ADMINISTRATIVE
SERVICES PROVIDED TO THE DISTRICT

=====

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby authorize the City Manager to execute the amendment terminating the Reimbursement Agreement effective July 1, 2010, with North San Joaquin Water Conservation District for City administrative services provided to the District.

Dated: March 17, 2010

=====

I hereby certify that Resolution No. 2010-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held March 17, 2010, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

RANDI JOHL
City Clerk



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Adopt Resolution Authorizing the City Manager to Enter into a Letter of Agreement Between the City of Lodi and Ralcorp/Cottage Bakery for the Sale of Designated Electric Distribution Facilities (\$166,234) (EUD)

MEETING DATE: March 17, 2010

PREPARED BY: Interim Electric Utility Director

RECOMMENDED ACTION: Adopt a resolution authorizing the City Manager to enter into a Letter of Agreement between the City of Lodi and Ralcorp/Cottage Bakery for the sale of designated Electric Distribution Facilities in the amount of \$166,234.

BACKGROUND INFORMATION: Ralcorp/Cottage Bakery (RCB) currently has one utility account assigned to the G5 secondary rate tariff. Representatives from RCB met with the Lodi Electric Utility Department (EUD) earlier this year, requesting that the existing 480-volt secondary account be transferred to G5 primary service at 12,000 V. To accomplish this task, RCB would buy the existing secondary distribution equipment, including five transformers, and replace five secondary meters with two new primary electric meters. RCB will pay EUD \$166,234 for the existing facilities and for EUD labor to install the new meters and make upgrades requested by RCB. RCB will recover the cost of the project by shifting from the G5-secondary rate tariff to the G5-primary rate tariff. However, RCB will become responsible for maintenance and replacement of the transferred equipment and its electrical losses.

The proposed arrangement conforms to past practice and City Council-approved Electric Rules and Regulations.

This industrial customer is interested in entering into the attached Letter of Agreement with the EUD as soon as possible. If the Council approves this agreement, EUD staff would then order required primary metering equipment and related materials. It is anticipated that this project would be completed by June 1, 2010.

FISCAL IMPACT: The initial sale of facilities and services will result in revenue to the EUD in the amount of \$166,234. The primary rate is approximately 4% lower than the secondary rate, however, this lower rate is offset by the higher primary meter readings that include electricity consumed by the transformer and other transferred facilities. The primary customer's responsibility to maintain and replace the facilities further reduces EUD's cost. Net fiscal impact is small.

FUNDING: Not applicable.

Kenneth A. Weisel
Interim Electric Utility Director

Prepared By: Rob Lechner, Manager, Customer Service & Programs
KW/RSL/1st

APPROVED: _____
Blair King, City Manager

LETTER OF AGREEMENT: SALE OF MUNICIPAL FACILITIES

BETWEEN

THE CITY OF LODI

AND

RALCORP/COTTAGE BAKERY

This Letter of Agreement (LOA) is between the City of Lodi (COL) and Ralcorp/Cottage Bakery (RCB). By way of this signed LOA, RCB agrees to purchase and maintain designated electric utility facilities as identified on the attached Appendix A.

In summary, RCB will purchase designated overhead electric distribution facilities located at the customer's plant site of 40 Neuharth Street, as well as five transformers. In addition RCB agrees to purchase all necessary primary metering equipment and compensate the COL for all required labor costs to install said equipment.

In purchasing the aforementioned equipment (transformers and overhead electric distribution facilities) RCB also agrees that, henceforth, RCB becomes responsible for said equipment and to pay for all maintenance, repairs, and replacements necessary for maintaining said equipment in good and safe working condition and RCB becomes responsible for any electrical losses within the designated electric utility facilities.

The total purchase price of the equipment and associated labor costs listed on Appendix A is in the amount of \$166,234.00. *Note: in the event that the labor required to perform this project occurs outside COL normal operating hours (7:00am to 4:30pm, Monday through Friday, excluding holidays and other non-work days), RCB will be charged any/all additional labor costs above and beyond the costs identified on Appendix A.*

RCB agrees to compensate the COL for the total amount listed in the LOA *prior* to completion of said project.

IN WITNESS HEREOF, the parties hereto have entered into this Letter of Agreement dated March____, 2010.

CITY OF LODI, a municipal corporation

RALCORP/COTTAGE BAKERY

By: Blair King
City Manager

By:
Title:

ATTEST:

Randi Johl, City Clerk

APPROVED AS TO FORM:

D. Stephen Schwabauer
City Attorney

APPENDIX 'A'

	Installation Cost	Depreciated Allowance	Buy Out Cost/Total
Purchase existing plant & install additional facilities	\$61,109	\$1,403	\$59,705
Purchase existing padmount transformer & overhead trans.	\$117,690	\$30,599	\$87,091
Labor and material costs to install primary metering equipment			\$19,438
Total			\$166,234

Depreciation for overhead material (OHM) based on 40 years service life.

Depreciation for padmount transformer based on 30 years service life.

The scope of work includes, but is not limited to:

- 1) Underbuild a customer owned 12kV line.
- 2) Install two separate 12 kV 3-phase metering facilities.
- 3) Lower 4 existing riser assemblies.
- 4) Customer to install 2 metering cabinets to City specifications, at the customers expense.

RESOLUTION NO. 2010-_____

A RESOLUTION OF THE LODI CITY COUNCIL AUTHORIZING THE CITY
MANAGER TO ENTER INTO A LETTER OF AGREEMENT BETWEEN THE
CITY OF LODI AND RALCORP/COTTAGE BAKERY FOR THE SALE OF
DESIGNATED MUNICIPAL ELECTRIC DISTRIBUTION FACILITIES

=====

WHEREAS, Ralcorp/Cottage Bakery (RCB) currently has one utility account assigned to the G5 secondary rate tariff; and

WHEREAS, representatives from Ralcorp/Cottage Bakery have requested that the existing 480-volt secondary account be transferred to G5 primary service at 12,000 V, and in order to accomplish this task, would buy the existing secondary distribution equipment, including five transformers and replace five secondary meters with two new primary electric meters; and

WHEREAS, Ralcorp/Cottage Bakery will pay City of Lodi Electric Utility Department \$166,234 for said facilities and labor to install the new meters and make upgrades requested by RCB. Ralcorp/Cottage Bakery will become responsible for maintenance and replacement of the transferred equipment and its electrical losses; and

WHEREAS, the proposed arrangement conforms to past practice and City Council-approved Electric Rules and Regulations; and

WHEREAS, staff recommends entering into the attached Letter of Agreement with Ralcorp/Cottage Bakery for the facilities and labor outlined above, thus allowing staff to order the required primary metering equipment and related materials; and

WHEREAS, the anticipated completion date for this project is June 1, 2010.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council hereby authorizes the City Manager to enter into a Letter of Agreement between the City of Lodi and Ralcorp/Cottage Bakery for the sale of designated municipal electric distribution facilities in the amount of \$166,234.00. This figure includes the purchase of five transformers, primary metering equipment and labor costs associated with the installation of said equipment and upgrading the existing system to accommodate the customer's need.

Dated: March 17, 2010

=====

I hereby certify that Resolution No. 2010-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held March 17, 2010, by the following vote:

AYES: COUNCIL MEMBERS -

NOES: COUNCIL MEMBERS -

ABSENT: COUNCIL MEMBERS -

ABSTAIN: COUNCIL MEMBERS -

RANDI JOHL
City Clerk

2010-_____



CITY OF LODI COUNCIL COMMUNICATION

TM

AGENDA TITLE: Adopt a Resolution Approving Contract with Pyro Spectaculars, Inc. for 2010 Fourth of July Fireworks Show (\$16,000)

MEETING DATE: March 17, 2010

PREPARED BY: Parks and Recreation Director

RECOMMENDED ACTION: Adopt a resolution approving contract with Pyro Spectaculars, Inc. for the 2010 Fourth of July fireworks show (\$16,000).

BACKGROUND INFORMATION: City-sponsored fireworks shows have been a tradition of the Fourth of July in Lodi. Pyro Spectaculars, Inc., has provided safe and entertaining shows in Lodi since 2007.

Although fireworks shows are a Fourth of July tradition in Lodi, current economic conditions may be a factor in the City Council's decision this year. The proposed 2010 show will cost the same (\$16,000) as the 2009 show. Because the holiday is at the beginning of the City's fiscal year, half of this fiscal year's appropriation (\$8,000) was spent on final costs associated with the July 4, 2009 show, leaving \$8,000 unencumbered for 2010.

If the City Council desires to spend more than the remaining \$8,000 on this year's show, it can appropriate additional funds in the 2010/11 budget.

FISCAL IMPACT: \$16,000 from the General Fund.

FUNDING AVAILABLE: \$8,000 available in the Economic Development Account (100431.8021.5) with additional appropriation required in FY 2010/11.

Jordan Ayers, Deputy City Manager

James M. Rodems
Interim Parks and Recreation Director

JMS

APPROVED: _____
Blair King, City Manager

PRODUCTION AGREEMENT Special

This agreement ("Agreement") is made this _____ day of _____, 2010 by and between Pyro Spectaculars North, Inc., a California corporation, hereinafter referred to as ("PYRO"), and City of Lodi Parks & Recreation Department, hereinafter referred to as ("CLIENT"). PYRO and CLIENT are sometimes referred to as "Party" or collectively as "Parties" herein.

1. **Engagement** - CLIENT hereby engages PYRO to provide to CLIENT one fireworks production ("Production"), and PYRO accepts such engagement upon all of the promises, terms and conditions hereinafter set forth. The Production shall be substantially as outlined in Program "A", attached hereto and incorporated herein by this reference.

1.1 **PYRO Duties** - PYRO shall provide all pyrotechnic equipment, trained pyrotechnicians, shipping, pyrotechnic products, application for specific pyrotechnic permits (the cost of which, including standby fees, shall be paid by CLIENT) relating to the Production, insurance covering the Production and the other things on its part to be performed as more specifically set forth below in this Agreement and in the Scope of Work ("Scope of Work"), attached hereto, incorporated herein by this reference, and made a part of this Agreement as though set forth fully herein.

1.2 **CLIENT Duties** - CLIENT shall provide to PYRO a suitable site ("Site") for the Production, security for the Site as set forth in Paragraph 6 hereof, access to the Site, any permission necessary to utilize the Site for the Production, and the other things on its part to be performed as more specifically set forth below in this Agreement and in the Scope of Work. All Site arrangements are subject to PYRO's reasonable approval as to pyrotechnic safety, suitability, and security. All other conditions of the Site shall be the responsibility of CLIENT, including, but not limited to, access, use, control, parking and general safety with respect to the public, CLIENT personnel and other contractors.

2. **Time and Place** - The Production shall take place on July 4, 2010, at approximately 9:30pm, at Lodi Lake Levee on the west end of the lake, Lodi, CA, Site.

3. **Fees, Interest, and Expenses** -

3.1 **Fee** - CLIENT agrees to pay PYRO a fee of ~~\$16,000.00~~ USD (~~SIXTEEN THOUSAND Dollars~~) ("Fee") for the Production. CLIENT shall pay to PYRO ~~\$8,000.00~~ USD (~~EIGHT THOUSAND Dollars~~) of the Fee plus estimated permit and standby fees, specified production costs, and other regulatory costs approximated at ~~\$00.00~~, for a total of ~~\$8,000.00~~, as a deposit ("Deposit") upon the execution of this Agreement by both parties but no later than April 2, 2010. The balance of the Fee shall be paid no later than July 5, 2010. CLIENT authorizes PYRO to receive and verify credit and financial information concerning CLIENT from any agency, person or entity including but not limited to credit reporting agencies. The "PRICE FIRM" date, the date by which the executed Agreement must be delivered to Pyro, is set forth in paragraph 20.

3.2 **Interest** - In the event that the Fee is not paid in a timely manner, CLIENT will be responsible for the payment of 1.5% interest per month or 18% annually on the unpaid balance. If litigation arises out of this Agreement, the prevailing party shall be entitled to reasonable costs incurred in connection with the litigation, including, but not limited to attorneys' fees.

3.3 **Expenses** - PYRO shall pay all normal expenses directly related to the Production including freight, insurance as outlined, pyrotechnic products, pyrotechnic equipment, experienced pyrotechnic personnel to set up and discharge the pyrotechnics and those additional items as outlined as PYRO's responsibility in the Scope of Work. CLIENT shall pay all costs related to the Production not supplied by PYRO including, but not limited to, those items outlined as CLIENT's responsibility in this Agreement and Scope of Work.

4. **Proprietary Rights** - PYRO represents and warrants that it owns all copyrights, including performance rights, to this Production, except that PYRO does not own CLIENT-owned material or third-party-owned material that has been included in the Production, and as to such CLIENT-owned and third-party-owned material, CLIENT assumes full responsibility therefore. CLIENT agrees that PYRO shall retain ownership of, and all copyrights and other rights to, the Production, except that PYRO shall not acquire or retain any ownership or other rights in or to CLIENT-owned material and third-party-owned material and shall not be responsible in any way for such material. If applicable, CLIENT consents to the use of CLIENT-owned material and represents that it has or will obtain any permission from appropriate third parties sufficient to authorize public exhibition of any such material in connection with this Production. PYRO reserves the ownership rights in its trade names that are used in or are a product of the Production. Any reproduction by sound, video or other duplication or recording process without the express written permission of PYRO is prohibited.

5. **Safety** - PYRO and CLIENT shall each comply with applicable federal, state and local laws and regulations and employ safety programs and measures consistent with recognized applicable industry standards and practices. At all times before and during the Production, it shall be within PYRO's sole discretion to determine whether or not the Production may be safely discharged or continued. It shall not constitute a breach of this Agreement by PYRO for fireworks to fail or malfunction, or for PYRO to determine that the Production cannot be discharged or continued as a result of any conditions or circumstances affecting safety beyond the reasonable control of PYRO.

6. **Security** - CLIENT shall provide adequate security personnel, barricades, and Police Department services as may be necessary to preclude individuals other than those authorized by PYRO from entering an area to be designated by PYRO as the area for the set-up and discharge of the Production, including a fallout area satisfactory to PYRO where the pyrotechnics may safely rise and any debris may safely fall. PYRO shall have no responsibility for monitoring or controlling CLIENT's other contractors, providers or volunteers; the public; areas to which the public or contractors have access; or any other public or contractor facilities associated with the Production.

7. **Cleanup** - PYRO shall be responsible for the removal of all equipment provided by PYRO and clean up of any live pyrotechnic debris made necessary by PYRO. However, PYRO shall not be responsible for environmental clean-up caused by fall-out from the display.

8. **Permits** - PYRO agrees to apply for permits required for the discharge of pyrotechnics from the Lodi Fire Department (or other authority having jurisdiction), FAA, USCG, and the State of California, as required. CLIENT shall be responsible for any fees associated with these permits including standby fees. CLIENT shall be responsible for obtaining any other necessary permits, paying associated fees, and making other appropriate arrangements for Police Departments, other Fire Departments, road closures, event/activity or land use permits or any permission or permit required by any Local, Regional, State or Federal Government.

9. **Insurance** - PYRO shall at all times during the performance of services herein ensure that the following insurance is maintained in connection with PYRO's performance of this Agreement: (1) commercial general liability insurance, including products, completed operations, and contractual liability under this Agreement; (2) automobile liability insurance, (3) workers' compensation insurance and employer liability insurance. Such insurance is to protect CLIENT from claims for bodily injury, including death, personal injury, and from claims of property damage, which may arise from PYRO's performance of this Agreement, only. The types and amounts of coverage shall be as set forth in the Scope of Work. Such insurance shall not include claims which arise from CLIENT's negligence or willful conduct or from failure of CLIENT to perform its obligations under this Agreement, coverage for which shall be provided by CLIENT.

The coverage of these policies shall be subject to reasonable inspection by CLIENT. Certificates of Insurance evidencing the required general liability coverage shall be furnished to CLIENT prior to the rendering of services hereunder and shall include the following: (1) that it may not be canceled or modified without the insurance carrier providing at least thirty (30) days prior written notice to CLIENT; and (2) that the following are named as additionally insured: CLIENT; Sponsors, Landowners, Barge Owners, if any; and Permitting Authorities, with respect to the operations of PYRO at the Production. Pyrotechnic subcontractors or providers, if any, not covered under policies of insurance required hereby, shall secure, maintain and provide their own insurance coverage with respect to their respective operations and services. Evidence of other insurance shall be provided upon CLIENT's written request to PYRO.

10. **Indemnification** - PYRO represents and warrants that it is capable of furnishing the necessary experience, personnel, equipment, materials, providers, and expertise to produce the Production in a safe and professional manner. Notwithstanding anything in this Agreement to the contrary, PYRO shall indemnify, hold harmless, and defend CLIENT and the additional insureds from and against any and all claims, actions, damages, liabilities and expenses, including but not limited to, attorney and other professional fees and court costs, in connection with the loss of life, personal injury, and/or damage to property, arising from or out of the Production and the presentation thereof to the extent such are occasioned by any act or omission of PYRO, their officers, agents, contractors, providers, or employees. CLIENT shall indemnify, hold harmless, and defend PYRO from and against any and all claims, actions, damages, liability and expenses, including but not limited to, attorney and other professional fees and court costs in connection with the loss of life, personal injury, and/or damage to property, arising from or out of the Production and the presentation thereof to the extent such are occasioned by any act or omission of CLIENT, its officers, agents, contractors, providers, or employees. In no event shall either party be liable for the consequential damages of the other party.

11. **Limitation of Damages for Ordinary Breach** - Except in the case of bodily injury and property damage as provided in the insurance and indemnification provisions of Paragraphs 9 and 10, above, in the event CLIENT claims that PYRO has breached this Agreement or was otherwise negligent in performing the Production provided for herein, CLIENT shall not be entitled to claim or recover monetary damages from PYRO beyond the amount CLIENT has paid to PYRO under this Agreement, and shall not be entitled to claim or recover any consequential damages from PYRO including, without limitation, damages for loss of income, business or profits.

12. **Force Majeure** - CLIENT agrees to assume the risks of weather, strike, civil unrest, terrorism, military action, governmental action, and any other causes beyond the control of PYRO which may prevent the Production from being safely discharged on the scheduled date, which may cause the cancellation of any event for which CLIENT has purchased the Production, or which may affect or damage such portion of the exhibits as must be placed and exposed a necessary time before the Production. If, for any such reason, PYRO is not reasonably able to safely discharge the Production on the scheduled date, or at the scheduled time, or should any event for which CLIENT has purchased the Production be canceled as a result of such causes, CLIENT may (i) reschedule the Production and pay PYRO such sums as provided in Paragraph 13, or (ii) cancel the Production and pay PYRO such sums as provided in Paragraph 14, based upon when the Production is canceled.

13. **Rescheduling Of Event** - If CLIENT elects to reschedule the Production, PYRO shall be paid the original Fee plus all additional expenses made necessary by rescheduling plus a 15% service fee on such additional expenses. Said expenses will be invoiced separately and payment will be due in full within 5 days of receipt. CLIENT and PYRO shall agree upon the rescheduled date taking into consideration availability of permits, materials, equipment, transportation and labor. The Production shall be rescheduled for a date not more than 90 Days subsequent to the date first set for the Production. The Production shall not be rescheduled to a date, or for an event, that historically has involved a fireworks production. The Production shall not be rescheduled between June 15th and July 15th unless the original date was July 4th of that same year, or between December 15th and January 15th unless the original date was December 31st of the earlier year unless PYRO agrees that such rescheduling will not adversely affect normal business operations during those periods.

14. **Right To Cancel** - CLIENT shall have the option to unilaterally cancel the Production prior to the scheduled date. If CLIENT exercises this option, CLIENT agrees to pay to PYRO, as liquidated damages, the following percentages of the Fee as set forth in Paragraph 3.1. 1) 50% if cancellation occurs 30 to 90 days prior to the scheduled date, 2) 75% if cancellation occurs 15 to 29 days prior to the scheduled date, 3) 100% thereafter. In the event CLIENT cancels the Production, it will be impractical or extremely difficult to fix actual amount of PYRO's damages. The foregoing represents a reasonable estimate of the damages PYRO will suffer if CLIENT cancels the Production.

15. **No Joint Venture** - It is agreed, nothing in this Agreement or in PYRO's performance of the Production shall be construed as forming a partnership or joint venture between CLIENT and PYRO. The Parties hereto shall be severally responsible for their own separate debts and obligations and neither Party shall be held responsible for any agreements or obligations not expressly provided for herein.

16. **Applicable Law** - This Agreement and the rights and obligations of the Parties hereunder shall be construed in accordance with the laws of California. It is further agreed that the Central Judicial District of San Bernardino County, California, shall be proper venue for any such action. In the event that the scope of the Production is reduced by authorities having jurisdiction or by either Party for safety concerns, the full dollar amounts outlined in this Agreement are enforceable.

Pyro Spectaculars North, Inc.
5301 Lang Avenue
Sacramento, CA 95652
Tel: 909-355-8120 :: Fax: 909-355-9813

City of Lodi Parks & Recreation Department
Program A
July 4, 2010
Page 3 of 4

17. **Notices** - Any Notice to the Parties permitted or required under this Agreement may be given by mailing such Notice in the United States Mail, postage prepaid, first class, addressed as follows: PYRO - Pyro Spectaculars North, Inc., P.O. Box 2329, Rialto, California, 92377, or for overnight delivery to 3196 N. Locust Avenue, Rialto, California 92377. CLIENT - City of Lodi Parks & Recreation Department.

18. **Modification of Terms** - All terms of the Agreement are in writing and may only be modified by written agreement of both Parties hereto. Both Parties acknowledge they have received a copy of said written Agreement and agree to be bound by said terms of written Agreement only.

19. **Severability** - If there is more than one CLIENT, they shall be jointly and severally responsible to perform CLIENT's obligations under this Agreement. This Agreement shall become effective after it is executed and accepted by CLIENT and after it is executed and accepted by PYRO at PYRO's offices in Rialto, California. This Agreement may be executed in several counterparts, including faxed and emailed copies, each one of which shall be deemed an original against the Party executing same. This Agreement shall be binding upon the Parties hereto and upon their heirs, successors, executors, administrators and assigns.

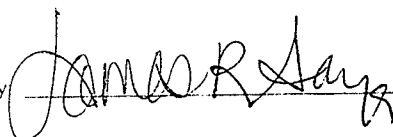
20. **Price Firm** - If any changes or alterations are made by CLIENT to this Agreement or if this Agreement is not executed by CLIENT and delivered to PYRO on or before the PRICE FIRM date shown below, then the price, date, and scope of the Production are subject to review and acceptance by PYRO for a period of 15 days following delivery to PYRO of the executed Agreement. In the event it is not accepted by PYRO, PYRO shall give CLIENT written notice, and this Agreement shall be void.

PRICE FIRM through April 2, 2010
EXECUTED AGREEMENT MUST BE DELIVERED TO PYRO BY THIS DATE.
See PRICE FIRM conditions, paragraph 20, above.

EXECUTED as of the date first written above:

PYRO SPECTACULARS NORTH, INC.

City of Lodi Parks & Recreation Department

By: 
Its: President

By: _____

Its: _____

Print Name

SHOW PRODUCER: Steve Souza

ATTEST:

RANDI JOHL, CITY CLERK

APPROVED AS TO FORM:


D. STEPHEN SCHWABAUER, CITY ATTORNEY

SCOPE OF WORK
PYRO SPECTACULARS NORTH, INC. ("PYRO")
and
City of Lodi Parks & Recreation Department ("CLIENT")

Pyro shall provide the following goods and services to CLIENT:

- One Pyro Spectaculars North, Inc., Production on July 4, 2010, at approximately 9:30pm at Lodi Lake Levee on the west end of the lake, Lodi, CA.
- All pyrotechnic equipment, trained pyrotechnicians, shipping, and pyrotechnic product.
- Application for specific pyrotechnic permits relating to the Production.
- Insurance covering the Production as set forth in the Agreement with the following limits:

<u>Insurance Requirements</u>	<u>Limits</u>	
<u>Commercial General Liability</u>	\$5,000,000.00	Combined Single Limit- Each Occurrence (Bodily Injury & Property Damage)
<u>Business Auto Liability- Owned, Non-Owned and Hired Autos</u>	\$5,000,000.00	Combined Single Limit- Each Occurrence (Bodily Injury & Property Damage)
<u>Workers' Compensation</u>	Statutory	
<u>Employer Liability</u>	\$1,000,000	Per Occurrence

CLIENT shall provide to PYRO the following goods and services:

- All on-site labor costs, if any, not provided or performed by PYRO personnel including, but not limited to, local union requirements, all Site security, Police and Fire Dept. standby personnel, stagehands, electricians, audio and fire control monitors, carpenters, plumbers, clean-up crew. All these additional personnel and services shall be fully insured and the sole responsibility of CLIENT.
- Coordination and any applicable non-pyrotechnic permitting with the local, state or federal government that may hold authority within the Production.
- Costs of all permits required for the presentation of the Production and the event as a whole.
- Provision of a Safety Zone in accordance with applicable standards and all requirements of the authorities having jurisdiction throughout the entire time that the pyrotechnics are at the Site or the load site (if different) on the date of the Production and all set-up and load-out dates, including water security to keep unauthorized people, boats, etc. from entering the Safety Zone.
- General Services including, but not limited to, Site and audience security, fencing, adequate work light, dumpster accessibility, a secure office for PYRO personnel within the venue, secure parking for PYRO vehicles, access to washrooms, tents, equipment storage, hazmat storage, electrical power, fire suppression equipment, access to worksites, necessary credentialing, etc., will be required as necessary.

RESOLUTION NO. 2010-_____

A RESOLUTION OF THE LODI CITY
COUNCIL APPROVING CONTRACT WITH
PYRO SPECTACULARS, INC. FOR 2010
FOURTH OF JULY FIREWORKS SHOW

=====

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby approve a contract with Pyro Spectaculars, Inc., for the 2010 Fourth of July fireworks show; and

BE IT RESOLVED that the term of the contract shall be for one show, performed on July 4, 2010, in the amount of \$16,000; and.

BE IT FURTHER RESOLVED that the City Council authorizes the City Manager to execute the contract on behalf of the City of Lodi.

Dated: March 17, 2010

=====

I hereby certify that Resolution No. 2010-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held March 17, 2010, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

RANDI JOHL
City Clerk

2010-_____



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Adopt Resolution Authorizing City Manager to File Claim for 2009/10 Transportation Development Act (TDA) Funds in the Amount of \$1,930,253 from Local Transportation Fund (LTF) and \$1,500 from State Transit Assistance (STA) Fund

MEETING DATE: March 17, 2010

PREPARED BY: Public Works Director

RECOMMENDED ACTION: Adopt a resolution authorizing the City Manager to file a claim for the 2009/10 Transportation Development Act (TDA) funds in the amount of \$1,930,253 from the Local Transportation Fund (LTF) and \$1,500 from State Transit Assistance (STA) Fund.

BACKGROUND INFORMATION: Each year, the City of Lodi receives an apportionment of TDA funds to support Lodi's transit operations and pedestrian/bicycle costs. These are State transportation funds that are primarily for non-vehicular transportation but can be used on roads if those other needs are being met. They are channeled through the San Joaquin Council of Governments (SJCOG), our regional transportation planning agency. The claim for Fiscal Year 2009/10, including pedestrian/bike and \$70,586 for SJCOG planning and administration, is \$1,930,253 from LTF and \$1,500 from STA. The LTF funds will be utilized as follows: \$90,000 for bicycle and pedestrian projects (which includes \$62,526 in carryover funds from previous years); \$125,000 for road projects (all carryover funds from previous years); \$1,422,123 for Transit operations and \$222,544 for Transit capital projects (bus maintenance facility, CNG Fueling Station improvements, signs, shelters, etc., and includes \$91,000 in carryover funds from previous years and \$131,544 in unclaimed funds from FY 2008/09). SJCOG plans to approve the TDA claim on March 25, 2010, following City Council's approval. The City Manager may make minor adjustments when filing the final claim, based upon SJCOG review and comments.

In 2009, after several public meetings and a public hearing, Council approved reducing transit service hours for the City's transit operations in response to reduced State funding. The Transit operations amount in this claim (\$1,422,133) for FY 2009/10 is the same that staff projected at the time of the service reductions. For FY 2010/11, SJCOG staff estimates TDA revenues to be \$1.5 million. Staff does not anticipate another transit service reduction next fiscal year; however, we will continue to closely monitor revenue funding.

The transit operations, GrapeLine, Dial-A-Ride, and VineLine, are fully funded with TDA, Federal Transit Administration funds, fare revenues and other competitive fund sources. Transit is not dependent on any General Fund money. We intend to continue to use TDA funds for transit, pedestrian, and bicycle-related projects and maintenance as much as possible.

FISCAL IMPACT: This will allow the City to claim and receive TDA funding for FY 2009/10. These funds will pay for on-going operations and capital needs.

FUNDING AVAILABLE: None required.

F. Wally Sandelin
Public Works Director

Prepared by Paula J. Fernandez, Transportation Manager/Senior Traffic Engineer
FWS/PJF/pmf
cc: SJCOG Accounting, Ms. Castle-Martinez, Supervising Accountant

APPROVED: _____
Blair King, City Manager

RESOLUTION NO. 2010-_____

A RESOLUTION OF THE LODI CITY COUNCIL
AUTHORIZING THE CITY MANAGER TO FILE THE 2009-10
CLAIM FOR TRANSPORTATION DEVELOPMENT ACT FUNDS
ON BEHALF OF THE CITY OF LODI

=====

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby approve the City's 2009-10 Transportation Development Act claim in the following amounts:

\$	1,930,253	Local Transportation Funds
\$	1,500	State Transit Assistance

BE IT FURTHER RESOLVED that the City Council does hereby authorize the City Manager to execute the claim on behalf of the City of Lodi; and

BE IT FURTHER RESOLVED that the City Council does hereby authorize the City Manager to make minor adjustments when filing the final claim, based on San Joaquin County Council of Governments review and comments.

Dated: March 17, 2010

=====

I hereby certify that Resolution No. 2010-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held March 17, 2010, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

RANDI JOHL
City Clerk

2010-_____



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Approve Summer Transit Pass Program and Authorize Transportation Manager to Annually Adjust Time Period

MEETING DATE: March 17, 2010

PREPARED BY: Public Works Director

RECOMMENDED ACTION: Approve the Summer Transit Pass Program and authorize the Transportation Manager to annually adjust the time period.

BACKGROUND INFORMATION: At its meeting on May 6, 2009, Council accepted the City of Lodi Short Range Transit Plan (SRTP). One recommendation included in the SRTP was to initiate a transit marketing program that would, among other things, include a Summer Transit Pass Program. The purpose of the pass program is to increase ridership during the summer months and provide children with an alternative transportation mode during the daytime. On May 20, 2009, Council approved a plan for implementation that summer. Despite the short lead-time, the pass program was well received by those participating and staff recommends implementing the same program again this summer.

The program details are as follows:

- Cost is \$15 per pass;
- Unlimited rides for two months on GrapeLine (not valid on Dial-A-Ride);
- Valid from June 1st through July 30th;
- For youth ages 5 to 17 years old;
- GrapeLine service hours: Monday through Friday from 7:45 a.m. to 6:10 p.m.; Saturday from 7:45 a.m. to 3:09 p.m.; and Sunday from 9:15 a.m. to 12:54 p.m.;
- Purchase passes at City of Lodi Transit Station and Finance Department.

Staff recommends City Council authorize the Transportation Manager to adjust the time period annually to coincide with the Lodi Unified School District's summer schedule. With City Council's approval, staff will proceed with publicizing the program.

FISCAL IMPACT: Funds are available in FY 2009/10 budget for the proposed marketing program. The pass program cost is estimated to be \$500.

FUNDING AVAILABLE: Transportation Development Act (TDA) funds (125056)

Jordan Ayers
Deputy City Manager/Internal Services Director

F. Wally Sandelin
Public Works Director

Prepared by Paula Fernandez, Transportation Manager/Senior Traffic Engineer
FWS/PJF/pmf
cc: MV General Manager Brenda Kuykendall

APPROVED: _____
Blair King, City Manager



TM

CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Adopt Resolution Authorizing Destruction of Certain Citywide Records in Accordance with the Government Code and the City's Records Management Policy

MEETING DATE: March 17, 2010

PREPARED BY: Randi Johl, City Clerk

RECOMMENDED ACTION: Adopt resolution authorizing the destruction of certain Citywide records in accordance with the Government Code and the City's Records Management Policy.

BACKGROUND INFORMATION: Section 34090 of the California Government Code provides for the destruction of certain City records with the approval of the legislative body by resolution and the written consent of the City Attorney. The City Clerk's office coordinated and compiled a listing of Citywide records to be destroyed from the various departments pursuant to the City's Records Management Program and Policy (2007), which specifically provides for the annual destruction of said records in accordance with the Secretary of State's Records Retention Guidelines.

FISCAL IMPACT: None

FUNDING AVAILABLE: Not applicable.

Randi Johl
City Clerk

Attachments

APPROVED: _____
Blair King, City Manager

RESOLUTION NO. 2010-_____

A RESOLUTION OF THE LODI CITY
COUNCIL AUTHORIZING DESTRUCTION OF
CERTAIN CITYWIDE RECORDS

=====

WHEREAS, in accordance with Government Code Section 34090, the City Clerk and City Attorney have filed written consent to the destruction of certain Citywide records as specifically set forth in the attached inventory marked as Exhibit A, and thereby made a part hereof.

NOW, THEREFORE, BE IT RESOLVED by the Lodi City Council that:

1. The records heretofore identified are no longer required.
2. The Lodi City Council finds that the City Clerk and City Attorney have given written consent to the destruction of the records inventoried on Exhibit A attached hereto and the destruction of those records is hereby authorized.

Dated: March 17, 2010

=====

I hereby certify that Resolution No. 2010-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held March 17, 2010, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

RANDI JOHL
City Clerk

2010-_____

AUTHORITY TO DESTROY OBSOLETE RECORDS

The below-listed department records have been retained in accordance with the City's Records Management Program Policy and Procedures and with applicable federal and state laws as set forth in the City of Lodi Retention Schedules. In accordance with the City's Records Management Program, with the consent of the Department Head, and upon written approval of the City Clerk and City Attorney, these records will be properly destroyed/disposed of.

Note: Documents will be reviewed for historical value and, if applicable, retained in the archives. Documents involved in litigation or pending audit will not be destroyed.

Department: Police	Date: January 29, 2010	Total No. of Pages:	Proposed Destruction Date: March, 2010
Division: Support Services	Prepared By: Lt. Chris Piombo	Signature: <i>C. V. Piombo</i>	
Record Series Title (Same as Retention Schedule)	Dates of Records (From and To)	Storage Location	Box No.
Admin/Internal Investigations	+5 years from closure date	Investigations Lt. filing cabinet	
Background Investigations (not hired)	+2 years from closure date	Investigations Lt. filing cabinet	

Department Head: *[Signature]*Date: 1-22-10City Clerk: *[Signature]*Date: 2/17/10

Consent is hereby given to destroy the above-listed records:

*City Attorney: *[Signature]*Date: 3/10/2010

Destruction Completed By:

AUTHORITY TO DESTROY OBSOLETE RECORDS

The below-listed department records have been retained in accordance with the City's Records Management Program Policy and Procedures and with applicable federal and state laws as set forth in the City of Lodi Retention Schedules. In accordance with the City's Records Management Program, with the consent of the Department Head, and upon written approval of the City Clerk and City Attorney, these records will be properly destroyed/disposed of.

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Documents involved in litigation or pending audit will not be destroyed.

Department: Police	Date: January 29, 2010	Total No. of Pages:	Proposed Destruction Date: March, 2010
Division: Administration	Prepared By: Julie Wall	Signature: <i>Julie Wall</i>	
Record Series Title (Same as Retention Schedule)	Dates of Records (From and To)	Storage Location	Box No.
Employee Time Cards and related payroll records.	+3 yrs from closure date (prior to 2007)	Investigations Storage Room	

Department Head: *[Signature]* Date: 1-25-10

City Clerk: *[Signature]* Date: 2/17/10

Consent is hereby given to destroy the above-listed records:

*City Attorney: *[Signature]* Date: 3/4/10

Destruction Completed By:

Printed Name	Signature	Date
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Attachment A – Form 4 (Authority to Destroy Records)

**Signature certifies a City Attorney assessment that records are not relevant to existing or anticipated litigation.*

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[illegible]

Department Head: [Signature] Date: 6-5-10

City Clerk: [Signature] Date: 2/17/10

Consent is hereby given to destroy the above-listed records:

*City Attorney: [Signature] Date: 3/10/10

Destruction Completed By:

Printed Name
Signature
Date

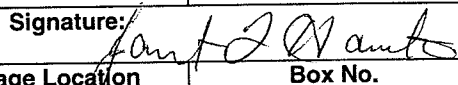
Attachment A – Form 4 (Authority to Destroy Records)

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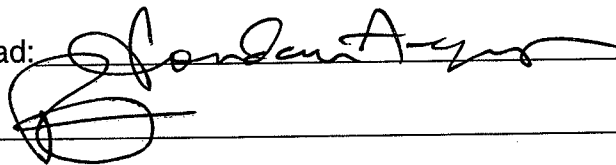
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Department: Internal Services	Date: January 25, 2010	Total No. of Pages: 13 boxes	Proposed Destruction Date: TBD
Division: Risk Management	Prepared By: Janet Hamilton	Signature: 	
Record Series Title (Same as Retention Schedule)	Dates of Records (From and To)	Storage Location	Box No.
Claims, Damage; CL + 5 GC34090; GC25105.5	Prior to 2005	Public Safety Bldg. & Parking Structure	1 - 14
Invoices; AU + 2 GC34090;	Prior to 2005	Public Safety Bldg. & Parking Structure	15-16
Incident Reports; CL + 7	Prior to 2003	Parking Structure	17 - 19
Account transfers; AU + 2 GC34090	Prior to 2005	Parking Structure	20

Department Head:



Date: 2/3/10

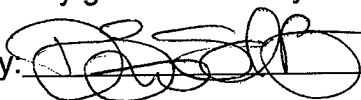
City Clerk:



Date: 2/17/10

Consent is hereby given to destroy the above-listed records:

*City Attorney:



Date: 3/10/10

Destruction Completed By:

Printed Name

Signature

Date

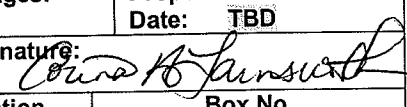
Attachment A – Form 4 (Authority to Destroy Records)

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AUTHORITY TO DESTROY OBSOLETE RECORDS

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Documents involved in litigation or pending audit will not be destroyed.*

Department: City Clerk	Date: 1/29/10	Total No. of Pages:	Proposed Destruction Date: TBD
Division: Elections & Operations	Prepared By: Corina Farnsworth	Signature: 	
Record Series Title (Same as Retention Schedule)	Dates of Records (From and To)	Storage Location	Box No.
City Council Calendars and City Council/City Clerk Travel	2007 and prior	City Clerk's Office	
City Council and City Clerk's Office general correspondence	2007 and prior	City Clerk's Office	
City Council meeting packets (NOTE: These records have been scanned, indexed, and are accessible in the City's e-records system)	2007 and prior	City Clerk Vault	
Shirtsleeve Session meeting packets (NOTE: These records have been scanned, indexed, and are accessible in the City's e-records system)	2007 and prior	City Clerk Vault	
Notice of Public Hearings	2006 and prior	City Clerk's Office	
Legal Advertising/Proof of Publications	2005 and prior	City Clerk's Vault	
Weed Abatement Files	2007 and prior	City Clerk's Office	
City Council Audio & Video Tapes	2007 and prior	City Clerk's Office	
Administration/Campaign Statements and Conflict of Interest	2004 and prior	City Clerk Vault	
Candidate Statements	2005 and prior	City Clerk Vault	
Nomination Papers	2004 and prior	City Clerk Vault	

Department Head: 

Date: 2/17/10

City Clerk: 

Date: 2/17/10

Consent is hereby given to destroy the above-listed records:

*City Attorney: 

Date: 2/10/10

Destruction Completed By:

Printed Name	Signature	Date
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AUTHORITY TO DESTROY OBSOLETE RECORDS

The below-listed department records have been retained in accordance with the City's Records Management Program Policy and Procedures and with applicable federal and state laws as set forth in the City of Lodi Retention Schedules. In accordance with the City's Records Management Program, with the consent of the Department Head, and upon written approval of the City Clerk and City Attorney, these records will be properly destroyed/disposed of.

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Department: Fire	Date: 1/15/2010	Total No. of Pages: 1	Proposed Destruction Date: TBD
Division: Administration	Prepared By: Linda Hoover	Signature: <i>Linda Hoover</i>	
Record Series Title (Same as Retention Schedule)	Dates of Records (From and To)	Storage Location	Box No.
Acct's. Payable Invoices/Copies	7/1/06 – 6/30/07	Fire Admin.	1
Claim Vouchers/Copies	7/1/05 – 6/30/07	Fire Admin.	2
Correspondence	7/1/05 – 6/30/07	Fire Admin.	2
Expendable Trust/Copies	7/1/05 – 6/30/07	Fire Admin.	2
Expenditure/Transaction Analysis Reports/Copies	7/1/05 – 6/30/07	Fire Admin.	2
FLSA/Copies	7/1/05 – 6/30/07	Fire Admin.	2
Leave Balances/Copies	7/4/05 – 7/1/07	Fire Admin.	2
Minutes/Copies	7/1/05 – 6/30/07	Fire Admin.	2
Performance Incentive Bonus/Copies	2005 & 2006	Fire Admin.	2
Purchase Orders/Copies	7/1/05 – 6/30/07	Fire Admin.	2
Strike Team Reimbursements	2005 & 2006	Fire Admin.	2
Supply Order Requests/Copies	7/1/06 - 6/30/07	Fire Admin.	2
Time-Off Requests	2006	Fire Admin.	2
Uniform Allowance/Copies	2004 - 2006	Fire Admin.	2

Department Head: *[Signature]* Date: *1/15/2009*

City Clerk: *[Signature]* Date: *2/17/10*

Consent is hereby given to destroy the above-listed records:

*City Attorney: *[Signature]* Date: *3/10/10*

Destruction Completed By:

Printed Name	Signature	Date
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Attachment A – Form 4 (Authority to Destroy Records)

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AUTHORITY TO DESTROY OBSOLETE RECORDS

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Department: Fire	Date: 1/15/10	Total No. of Pages:	Proposed Destruction Date: TBD
Division: Prevention	Prepared By: Cari Shates	Signature: <i>Cari Shates</i>	
Record Series Title (Same as Retention Schedule)	Dates of Records (From and To)	Storage Location	Box No.
Apartment Inspection/copies	2007,2008	Fire Prevention	1
Auth. to connect utilities/copies	2006,2007,2008	Fire Prevention	1
Candle Permits/copies	2007, 2008	Fire Prevention	1
Fire Works Permit/copies	2006, 2007, 2008	Fire Prevention	1
Letters of transmittal/copies	2006,2007, 2008	Fire Prevention	1
Permit fees deposit receipt copies	2006,2007	Fire Prevention	1
Requests for Inspection	2006, 2007, 2008	Fire Prevention	1
Special program requests	2008	Fire Prevention	1
Weed abatement	2006, 2007	Fire Prevention	1
Knox box authorization form	2008	Fire Prevention	1

Department Head: *[Signature]*Date: 1/20/10City Clerk: *[Signature]*Date: 2/17/10

Consent is hereby given to destroy the above-listed records:

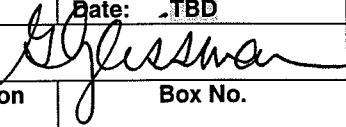
*City Attorney: *[Signature]*Date: 3/10/10

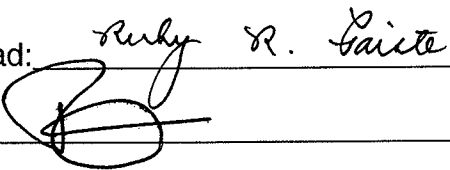
Destruction Completed By:

AUTHORITY TO DESTROY OBSOLETE RECORDS

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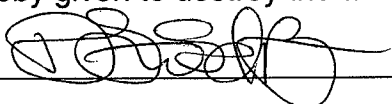
*Note: Documents will be reviewed for historical value and, if applicable, retained in the archives.
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Department: Internal Services	Date: 1/15/10	Total No. of Pages: 1	Proposed Destruction Date: TBD
Division: Finance	Prepared By: Gail Glissman	Signature: 	
Record Series Title (Same as Retention Schedule)	Dates of Records (From and To)	Storage Location	Box No.
Business Tax Applications	2004	Finance Basement	
CIS Daily Postings & Journals	July 2003 – June 2004	Finance Basement	
Service Orders/Utility Contract	July 2003 – June 2004	Finance Basement	
Correspondence	July 2005 – June 2006	Finance Basement	
Deposit Refunds	July 2003 - June 2004	Finance Basement	
Enforcement Technology Parking Balancing Reports	July 2003 – June 2004	Finance Basement	
Lodi Downtown Business Partnership Collections	July 2003 – June 2004	Finance Basement	
Miscellaneous Receivables	July 2003 – June 2004	Finance Basement	
Returned Checks	July 2005 – June 2006	Finance Basement	
Pet License Applications	July 2003 – June 2004	Finance Basement	

Department Head:  Date: 1/15/10

City Clerk:  Date: 2/17/10

Consent is hereby given to destroy the above-listed records:

*City Attorney:  Date: 3/10/10

Destruction Completed By: _____

City of Lodi

Printed Name

Signature

Date

Attachment A – Form 4 (Authority to Destroy Records)

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Department: Internal Services	Date: 1/6/2010	Total No. of Pages:	Proposed Destruction Date: TBD
Division: Financial Services Accounting	Prepared By: <i>Cory Wadlow</i>	Signature:	
Record Series Title (Same as Retention Schedule)	Dates of Records (From and To)	Storage Location	Box No.
Next Step/Leave Balance	2007-08	Basement	
Payroll Edit Registers	"	"	
Payroll Journal Detail	"	"	
Payroll Integrity Reports	"	"	
Payroll Voucher Detail	"	"	
Payroll Check Registers	"	"	
Wage Attachment Report	"	"	
Overtime Cards	2005-06	"	
Accounts Payable Final Post	2007-08	"	
Accounts Payable Payment Register	"	"	
Accounts Payable Payment Group	"	"	
Accounts Payable Cash Requirements	"	"	
Accounts Payable Posting Edit	"	"	
Accounts Payable Edit Report	"	"	
Collectors Daily Reports	"	"	
Misc Journal Entries	2004-05	"	
Wire Transfers	2006	"	
Inventory	2007-08		

Department Head: *Ruby R. Parra* Date: *1/14/10*

City Clerk: *[Signature]* Date: *2/17/10*

Consent is hereby given to destroy the above-listed records:

*City Attorney: *[Signature]* Date: *3/19/10*

Attachment A – Form 4 (Authority to Destroy Records)

*Signature certifies a City Attorney assessment that records are not relevant to existing or anticipated litigation.

City of Lodi

Destruction Completed By:

Printed Name

Signature

Date

Attachment A – Form 4 (Authority to Destroy Records)

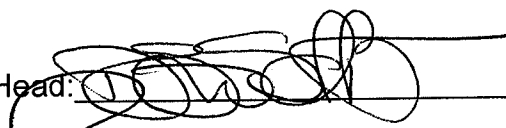
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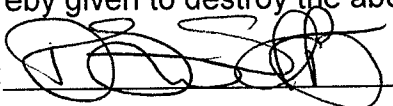
*Note: Documents will be reviewed for historical value and, if applicable, retained in the archives.
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Department: Administration	Date: March 1, 2010	Total No. of Pages:	Proposed Destruction Date: TBD
Division: City Attorney	Prepared By: Peggy Nicolini	Signature:	
Record Series Title (Same as Retention Schedule)	Dates of Records (From and To)	Storage Location	Box No.
Litigation Files 2005	2005	Vault	
Litigation Files 2006	2006	Vault	
Litigation Files 2007	2007	Vault	
Litigation Files 2008	2008	Vault	
Misc. Correspondence Files		Vault	
Pitchess Files	2004-2008	Vault	
Misc. Litigation (Dog Bites, contractor, LMC Violations)	2005-2008	Vault	

Department Head:  Date: March 1, 2010

City Clerk:  Date: 3/5/10

Consent is hereby given to destroy the above-listed records:

*City Attorney:  Date: March 4, 2010

Destruction Completed By:

Printed Name	Signature	Date
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Attachment A – Form 4 (Authority to Destroy Records)

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Department: Police	Date: 03/04/10	Total No. of Pages:	Proposed Destruction Date: 03/10
Division: Investigations	Prepared By: Lt. Chris Piombo	Signature: <i>C.V. Piombo</i>	
Record Series Title (Same as Retention Schedule)	Dates of Records (From and To)	Storage Location	Box No.
Asset Forfeiture Investigations	+2 yrs. from closure date	Special Investigations cabinet	
Informant Files	+10 yrs. from termination date	SIU cabinet	
Registration Files, Arson, Sex, and Narcotics	Life of registrant	290 P.C. program manager file cabinet- SIU	
Field Interview Cards	+2 yrs. from closure date	SIU filing cabinet	

Department Head: *[Signature]* Date: 030210

City Clerk: *[Signature]* Date: 3/8/10

Consent is hereby given to destroy the above-listed records:

*City Attorney: *[Signature]* Date: 3/10/10

Destruction Completed By:

Printed Name

Signature

Date

AUTHORITY TO DESTROY OBSOLETE RECORDS

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Department: Police	Date: March 9, 2010	Total No. of Pages:	Proposed Destruction Date: March, 2010
Division: Administration	Prepared By: S. Meyers	Signature: <i>S. Meyers</i>	
Record Series Title (Same as Retention Schedule)	Dates of Records (From and To)	Storage Location	Box No.
Background Investigations and Employment Records of previous employees who have left employment with the City – including Retirees.	+5 yrs from closure date (prior to 2005)	Administration personnel filing cabinet	
Background Investigations and Employment Records of previous employees who were terminated.	+10 yrs from closure date (prior to 2000)	Administration personnel filing cabinet	

Department Head: *[Signature]*

Date: 3/9/10

City Clerk: *[Signature]*

Date: 3/9/10

Consent is hereby given to destroy the above-listed records:

*City Attorney: *[Signature]*

Date: 3/9/10

Destruction Completed By:

Printed Name

Signature

Date

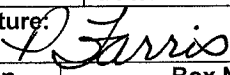
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Department: Public Works	Date: January 28, 2010	Total No. of Pages: 4	Proposed Destruction Date: TBD
Division: Administration/Engineering	Prepared By: Pam Farris	Signature: 	
Record Series Title (Same as Retention Schedule)	Dates of Records (From and To)	Storage Location	Box No.
Annual Reports (Adm-R&S) CD MADE OF THIS FILE BEFORE DESTRUCTION	1979-1989	City Hall	1
Business Expense Report & Claim Vouchers (1996-1999) (FIN-C)	1996-1999	City Hall	1
Material Safety Data Sheets (H&S-S)	1986-1990	City Hall	1
Worker Injury Reports (1999) (H&S-S)	1999	City Hall	1
Budget Reduction/Revenue Enhancement Suggestions (PERS-M) CD MADE OF THIS FILE BEFORE DESTRUCTION	1992/2002	City Hall	1
Catch Basin Newsletter (PERS-M) CD MADE OF THIS FILE BEFORE DESTRUCTION	1980-1996	City Hall	1
Community Service Workers (PERS-M)	1995	City Hall	1
Defensive Driver Training (PERS-M)	1988-1996	City Hall	1
Education/Training CMD (2000) (PERS-M)	2000	City Hall	1
Education/Training CMD (1997-1999) (PERS-M)	1997-1999	City Hall	1
Facility Tours (PERS-M)	1994	City Hall	1
Hepatitis B Vaccinations (1994) (PERS-M)	1994	City Hall	1
Public Works Baseball (PERS-M)	1996	City Hall	1
Armory Park Improvements ((PR-P)	1998	City Hall	2
Armory Park/Softball Complex Field Lighting, 333 N. Washington St./ 401 N. Stockton Street (PR-P)	2001	City Hall	2
Blakely Park Fence Improvements, 1040 S. Stockton Street (CDBG) (PR-P)	1997	City Hall	2
Kofu Park Concrete Ramp, 1145 Ham Lane (PR-P)	1997	City Hall	2
Legion Park Improvements (CDBG Funds) (PR-P)	1996	City Hall	2

Attachment A – Form 4 (Authority to Destroy Records)

**Signature certifies a City Attorney assessment that records are not relevant to existing or anticipated litigation.*

City of Lodi

Record Series Title (Same as Retention Schedule)	Dates of Records (From and To)	Storage Location	Box No.
Lodi Lake Nature Trail (Fed Funds) (PR-P)	1995-1996	City Hall	2
Lodi Lake South Playground Improvements, 1101 W. Turner Road (PR-P)	1998	City Hall	3
Lodi Lake Wading Pool, 1101 W. Turner Road (PR-P)	1998-1999	City Hall	3
Van Buskirk Park Improvements (CDBG) (PR-P)	1997-1998	City Hall	3
1996 Handicap Ramp Retrofit Project (Various Locations) (CDBG) (PR-ST)	1996	City Hall	3
1998 Handicap Ramp Retrofit Project (Various Locations) (CDBG) (PR-ST)	1998	City Hall	3
Asphalt Concrete Overlay, Slurry Seal and Striping for Hutchins Street (Kettleman Lane to Harney Lane) (Federal Project) (PR-ST)	1997-1998	City Hall	3
Asphalt Concrete Overlay, Slurry Seal and Striping for Hutchins Street (Kettleman Lane to Harney Lane) (Federal Project) DBE Information (PR-ST)	1997-19983	City Hall	3
Church Street Improvements, Century Blvd. to Kettleman Lane (Award to Final) (PR-ST)	1991-1992	City Hall	4
Church Street Improvements, Century Blvd. to Kettleman Lane (Pre-Bid to Award) (PR-ST)	1990-1991	City Hall	4
Elm Street Improvements (Church Street to Sacramento Street) (PR-ST)	2000-2005	City Hall	4
Elm Street Reconstruction and Bike Lane Striping, Hutchins Street to Lower Sacramento Road (PR-ST)	1998-2000	City Hall	4
Elm Street Reconstruction and Bike Lane Striping, Hutchins Street to Lower Sacramento Road, DBE Information (PR-ST)	1998-2000	City Hall	4
Hutchins Street Striping & Bike Lanes, Kettleman Lane to Lodi Ave. -- DBE (Federal Funds) (PR-ST)	1995-1998	City Hall	4
Mills Avenue Overlay, Tokay Street to Vine Street (Federal Funds) (PR-ST)	1994	City Hall	4
Sacramento Street -- Street Reconstruction, Park Street to Vine Street, Federally Funded (PR-ST)	1995	City Hall	4
Stockton Street Improvements (Kettleman Lane to Vine Street) (PR-ST)	1984-1990	City Hall	4
Stockton Street Improvements (Vine Street to Tokay Street) (PR-ST)	1986	City Hall	5
Stockton Street Right of Way, Craig Hubbard Correspondence (PR-ST)	1987	City Hall	5
Stockton Street Right of Way (Kettleman Lane to Lodi Avenue) (PR-ST)	1979-1985	City Hall	5
Stockton Street Right of Way (Title Insurance Report) (PR-ST)	1982-1986	City Hall	5

Attachment A – Form 4 (Authority to Destroy Records)

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City of Lodi

Record Series Title (Same as Retention Schedule)	Dates of Records (From and To)	Storage Location	Box No.
Stockton Street Widening, EIR, 1982-1990 Kettleman Lane – Lodi FAU MY 314(1) (PR-ST)	1982-1990	City Hall	5
Stockton Street Widening, EIR, 1978-1981 Kettleman Lane – Lodi FAU MY 314(1) (PR-ST)	1978-1981	City Hall	5
Street Overlays, Ham Lane, Hutchins Street, Turner Road (PR-ST)	1986	City Hall	5
DBCP Treatment Design (PR-W)	1990-1992	City Hall	6
Granular Activated Carbon Filter Systems for Wells 18 & 20 (PR-W)	1998-2001	City Hall	6
Motor Control Center for Water Well 4R, 1215 Thurman Street (PR-W)	1996	City Hall	6
Standby Generators for Water Well & Storm Drain Pumping Station Sites 7, 9 & 16 (PR-W)	1995-1997	City Hall	6
Well 26 Well Drilling, 1020 Bridgetowne Drive (PR-W)	2000	City Hall	7
City Hall Addition, Communication/Data System (PR-M)	1989-1991	City Hall	7
City Hall Expansion Construction Management (PR-M)	1989-1990	City Hall	7
City Hall Expansion Study (Completed 1985)	1985-86	City Hall	7
City Hall Window Coverings (PR-M)	1996	City Hall	7
Civic Center Improvements (Phase I), City Hall Annex, Carnegie Basement (PR-M)	1994-1996	City Hall	7
Civic Center Improvements, Five Portable Trailers (Phase I) (PR-M)	1994-1996	City Hall	7
Five Mid-Size Paratransit Buses (PR-M)	1994	City Hall	8
Hutchins Street Square Community Center Southeast Parking Lot Expansion (PR-M)	1996	City Hall	8
Hutchins Street Square Senior Complex, File #1, Contract & Correspondence (PR-M)	1987-1992	City Hall	8
Jail Painting & Plumbing Retrofit, 230 W. Elm Street (PR-M)	1993-1994	City Hall	8
Library Generator, 201 W. Locust Street (PR-M)	1996-1997	City Hall	8
Municipal Service Center Garage & Office Expansion Pre-Design (PR-M)	1990-1992	City Hall	8
Overhead Exhaust System for Equipment Maintenance Shop (PR-M)	1996	City Hall	8
Police Department Carnegie Basement Remodel (PR-M)	1996-1999	City Hall	8
Two Mid-Size Paratransit Buses (PR-M)	1994	City Hall	8
Cellular Phone Bills 2000-2001 (FIN-C)	2000-2001	City Hall	8
Cellular Phone Bills 1998-1999 (FIN-C)	1998-1999	City Hall	8
Claims (July 1998-December 1999) (FIN-C)	1998-1999	City Hall	9

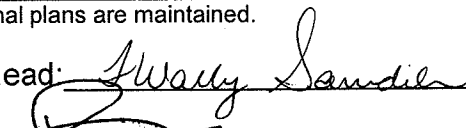
Attachment A – Form 4 (Authority to Destroy Records)

**Signature certifies a City Attorney assessment that records are not relevant to existing or anticipated litigation.*

City of Lodi

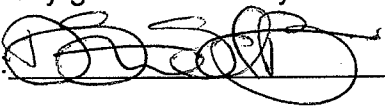
Record Series Title (Same as Retention Schedule)	Dates of Records (From and To)	Storage Location	Box No.
Engineering Statements (2000) (FIN-C)	2000	City Hall	9
Engineering Statements (1998-1999) (FIN-C)	1998-1999	City Hall	9
Lodi Rail/Multimodal Station Bills (PR-M)	1995-1996	City Hall	9
Lodi Rail/Multimodal Station Certified Payroll (PR-M)	1998-2000	City Hall	9
Lodi Rail/Multimodal Station DBE (PR-M)	1998-2000	City Hall	9
Lodi Rail/Multimodal Station 1998 Pre-Bid (PR-M)	1998	City Hall	10
Lodi Rail/Multimodal Station Preliminary Notices (PR-M)	1998-2000	City Hall	10
Lodi Station Parking Structure Certified Payroll & Preliminary Notices (PR-M)	1998-2000	City Hall	10
Lodi Station Parking Structure Contract Payments (F&H Construction) (PR-M)	2001-2003	City Hall	11
Lodi Station Parking Structure DBE Information (PR-M)	2000	City Hall	11
Lodi Station Parking Structure Preconstruction Bid Correspondence & Construction Bids (PR-M)	2000	City Hall	11
Lodi Station Parking Structure RFPs (PR-M)	1999	City Hall	11
Loel Senior Bus Shelter – Art in Public Places (PR-M)	1999-2000	City Hall	11
Loel Senior Bus Shelter Specifications (PR-M)	1999-2000	City Hall	11
Street Light Project Cherokee Lane (Pioneer to Almond Streets) (PR-E)	1987-1999	City Hall	11

*In all cases, original plans are maintained.

Department Head:  Date: 3/4/10

City Clerk:  Date: 3/8/10

Consent is hereby given to destroy the above-listed records:

*City Attorney:  Date: 3/5/10

Destruction Completed By:

Printed Name	Signature	Date

Attachment A – Form 4 (Authority to Destroy Records)

*Signature certifies a City Attorney assessment that records are not relevant to existing or anticipated litigation.



TM

CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Adopt Resolution Revising the Order of Business for City Council Meetings

MEETING DATE: March 17, 2010

PREPARED BY: City Clerk

RECOMMENDED ACTION: Adopt resolution revising the order of business for City Council meetings.

BACKGROUND INFORMATION: In an effort to streamline the agenda by removing unnecessary sub-categories, it is recommended that Council adopt the attached resolution revising the order of business for City Council meetings. The proposed amendments are highlighted below:

- **Presentations**
Remove the sub-categories of *Awards*, *Proclamations*, and *Presentations*.
- **Communications**
Remove the sub-categories of *Claims Filed Against the City*, *Appointments*, and *Miscellaneous* (**NOTE:** Rejection of claims filed against the City will now appropriately be listed under the Consent Calendar).

FISCAL IMPACT: Not applicable.

FUNDING AVAILABLE: Not applicable.

Randi Johl
City Clerk

RJ/JMR

Attachment

APPROVED: _____
Blair King, City Manager

RESOLUTION NO. 2010-_____

A RESOLUTION OF THE LODI CITY COUNCIL SETTING
FORTH THE ORDER OF BUSINESS FOR CITY COUNCIL
MEETINGS, THEREBY REPEALING RESOLUTION 2009-145

=====

WHEREAS, pursuant to Ordinance No. 1699, adopted by the Lodi City Council on February 7, 2001, Section 2.04.100 of the Lodi Municipal Code relating to City Council Meetings, the Order of Business provides that the Council shall establish by Resolution the agenda order of business:

- C-1 Call to Order / Roll call;
- C-2 Announcement of Closed Session;
- C-3 Adjourn to Closed Session;

NOTE: The following items will commence no sooner than 7:00 p.m.

- C-4 Return to open session / disclosure of action
 - A. Call to Order / Roll call;
 - B. Pledge of allegiance;
 - C. Presentations;
 - D. Consent calendar (Reading; comments by the public; Council action);
 - E. Comments by the public on non-agenda items;
 - F. Comments by the City Council Members on non-agenda items;
 - G. Comments by the City Manager on non-agenda items
 - H. Public hearings;
 - I. Communications;
 - J. Regular calendar;
 - K. Ordinances;
 - L. Adjournment

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council hereby approves the Order of Business for City Council meetings as set forth above; and

BE IT FURTHER RESOLVED that this Resolution shall be effective immediately upon passage.

Dated: March 17, 2010

=====

I hereby certify that Resolution No. 2010-_____ was passed and adopted by the Lodi City Council in a regular meeting held March 17, 2010, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

RANDI JOHL
City Clerk

2010-_____



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Adopt Resolution Opposing AB X8 6/SB X8 6, Fuel Tax Swap
MEETING DATE: March 17, 2010
PREPARED BY: City Manager

RECOMMENDED ACTION: Adopt resolution opposing AB X8 6/SB X8 6, Fuel Tax Swap.

BACKGROUND INFORMATION: The State Legislature is considering two bills that would repeal the sales tax on gasoline and increase the fuel excise tax. The sole purpose is to provide additional revenue to the State's General Fund.

Although these bills are intended to be revenue-neutral at worse for local governments, staff and the League of California Cities considers them part of a shell game that undermines the intent of the voters and, like previous budget maneuvers, will harm local governments in the long run.

The fuel tax swap envisioned in these bills is contrary to Proposition 42 and Proposition 1A, which reserves the state's share of sales tax on gasoline for capital improvement projects, public transit and local streets and roads. Eliminating the sales tax on gasoline removes these Constitutional protections the voters intended.

The Fuel Tax Swap is the latest in a list of the Legislature's attempts to boost State revenue in a way that eventually harms local governments. Notable funding changes since 1992 include the Educational Revenue Augmentation Fund, a borrowing of local Vehicle License Fee revenue and the enactment of the "Triple Flip" to swap cities' share of sales tax with property tax. The concern of staff and the League of California cities is the Fuel Tax Swap will have a similar impact on the municipal governments in the future.

The adopted resolution will be forwarded to Assemblywoman Alyson Huber and Senator Dave Cogdill.

FISCAL IMPACT: The Fuel Tax Swap has unforeseen consequences, but will likely have a long-term effect of eroding local revenue.


Blair King
City Manager

Attachments: Resolution.

APPROVED: 
Blair King, City Manager

RESOLUTION NO. 2010-_____

A RESOLUTION OF THE LODI CITY
COUNCIL OPPOSING AB X8 6/SB X8 6,
FUEL TAX SWAP PROPOSALS

=====

WHEREAS, the Legislature and the Governor of the State of California are considering adopting legislation that would replace the sales tax on gasoline with an excise tax; and

WHEREAS, the voters of the State of California passed Proposition 42 and Proposition 1A of 2006, which reserved the sales tax on gasoline for capital improvement projects, public transit and local streets and roads; and

WHEREAS, eliminating the sales tax on gasoline undermines the will of the voters; and

WHEREAS, similar legislation in the past to replace one source of local government revenue with another source has resulted in the long-term erosion of local government revenue.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council opposes AB X8 6/SB X8 6, the Fuel Tax Swap proposals.

Dated: March 17, 2010

=====

I hereby certify that Resolution No. 2010-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held March 17, 2010, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

RANDI JOHL
City Clerk

2010-_____



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Set A Public Hearing for April 7, 2010 to Consider the Adoption of the General Plan

MEETING DATE: March 17, 2010

PREPARED BY: Community Development Director

RECOMMENDED ACTION: Set a Public Hearing for April 7, 2010 to consider the adoption of the General Plan.

BACKGROUND INFORMATION: The City Council certified the Final Environmental Impact Report (FEIR) for the General Plan at the February 17, 2010 Council meeting. The only change in the document was the inclusion of a portion of Alternative B by placing a College Reserve placeholder along the north side of Victor Road. In addition to taking action on the FEIR, the Council received a presentation on the General Plan. The City Council received public comment at the meeting from two individuals.

Subsequent to the action on February 17, 2010, staff has been working with the lead consultants Dyett & Bhatia to make all of the modifications to the General Plan that are a result of the FEIR, Planning Commission action, as well as City Council direction. This final document will be provided to the City Council and public prior to the scheduled meeting on April 7, 2010.

FISCAL IMPACT: Not Applicable

FUNDING AVAILABLE: Not Applicable

Konradt Bartlam
Community Development Director

KB/kjc

Approved: _____
Blair King, City Manager



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Set Public Hearing for May 5, 2010 to Consider the Appeal of Brandt-Hawley Law Group on Behalf of Charles and Melissa Katzakian Regarding the Decision of the Planning Commission to Approve a Use Permit and SPARC Review for COSTCO Wholesale Development

MEETING DATE: May 5, 2010

PREPARED BY: Community Development Director

RECOMMENDED ACTION: Set public hearing for May 5, 2010 to consider the appeal of Brandt-Hawley Law Group on behalf of Charles and Melissa Katzakian regarding the decision of the Planning Commission to approve a Use Permit and SPARC review for COSTCO Wholesale Development.

BACKGROUND INFORMATION: Pursuant to Lodi Municipal Code Section 17.72.110 and 17.81.070, Charles and Melissa Katzakian filed an appeal regarding the decision of the Planning Commission on February 10, 2010, to approve a Use Permit and SPARC review of the proposed COSTCO Wholesale development. The appeal was filed in a timely manner and the appropriate fee was paid. The City Council may now set the matter for a public hearing to consider the appeal. It is recommended that the matter may be heard at the regularly scheduled meeting of May 5, 2010.

FISCAL IMPACT: Not Applicable

FUNDING AVAILABLE: Not Applicable

Konradt Bartlam
Community Development Director

KB

Attachments:

1. Planning Commission Resolution PC 10-06
2. Staff Report from the February 10, 2010, Planning Commission meeting
3. Draft minutes for the February 10, 2010, Planning Commission meeting
4. Appeal letter

APPROVED: _____
Blair King, City Manager

RESOLUTION NO. P.C. 10-06

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI FOR THE APPROVAL OF THE REQUEST OF DAVID BABCOCK, ON BEHALF OF COSTCO WHOLESALE FOR A USE PERMIT TO ALLOW FOR AN OFF-SALE BEER, WINE AND DISTILLED SPIRITS ALCOHOLIC BEVERAGE CONTROL LICENSE AND SPARC REVIEW OF THE PROPOSED COSTCO WHOLESALE WAREHOUSE LOCATED 322 EAST HARNEY LANE

WHEREAS, the Planning Commission of the City of Lodi has heretofore held a duly noticed public hearing, as required by law, on the requested Use Permit and Site Plan and Architectural Review in accordance with the Government Code and Lodi Municipal Code Chapter 17.84, Amendments; and

WHEREAS, an application was filed by David Babcock, on behalf of COSTCO Wholesale, 3581 Mount Diablo Blvd., Suite 235, Lafayette, CA 94549; and

WHEREAS, the project site is located at 322 East Harney Lane, more particularly described as Assessor's Parcel Numbers 058-130-09 and 058-130-10 and portion of 058-130-11; and

WHEREAS, the project site is zoned Planned Development 39; and

WHEREAS, the Project is consistent with all elements of the General Plan, and in particular, the following General Plan Goals and Policies:

- A. Land Use and Growth Management Element, Goal E, "To provide adequate land and support for the development of commercial uses providing goods and services to Lodi residents and Lodi's market share."
- B. Land Use and Growth Management Element, Goal E, Policy 7, "In approving new commercial projects, the City shall seek to ensure that such projects reflect the City's concern for achieving and maintaining high quality."
- C. Land Use and Growth Management Element, Goal E, Policy 3, "The City shall encourage new large-scale commercial centers to be located along major arterials and at the intersections of major arterials and freeways."

WHEREAS, the design and improvement of the site is consistent with all applicable standards adopted by the City. Specifically, the project has met the requirements of the Lodi Zoning Ordinance with particular emphasis on the standards for large retail establishments; and

WHEREAS, approval of the requested architectural drawings will allow the construction of a commercial building that will comply with the City's Zoning Ordinance and Building Code regulations; and

WHEREAS, the design of the proposed project and type of improvements are not likely to cause public health or safety problems in that all improvements will be constructed to the City of Lodi standards; and

WHEREAS, the Community Development Department prepared an Environmental Impact Report (EIR), consistent with the California Environmental Quality Act (CEQA); and

WHEREAS, the Final EIR, including comments and responses to comments, was certified by the City Council on August 30, 2006; and

WHEREAS, an Addendum to the certified and Final EIR, including comments and responses to comments, was certified by the City Council on September 17, 2008; and

WHEREAS, all legal prerequisites to the approval of this request have occurred.

Based upon the evidence in the staff report and project file, the Planning Commission makes the following findings:

1. The approval of the project to construct a new 148,234 square foot COSTCO Wholesale warehouse and associated 16-pump gasoline station was considered as part of a previously approved EIR, whereby it was determined that there would not be significant impacts on the environment, cumulative or otherwise, provided mitigation measures were implemented. Those mitigation measures, which consists of intersection upgrades, will be implemented prior to a Certificate of Occupancy.
2. No new impacts were identified in the public testimony that were not addressed as normal conditions of project approval in the Initial Study.
3. The development takes into consideration physical and environmental constraints in that the new warehouse and gasoline station have been designed to take advantage of the existing grades and be integrated with the planned overpass improvements.
4. The development complies with the intent of the City development policies and regulations in that the General Plan, Goal E, Policy 3, which encourages increasing the tax base, creating employment opportunities for residents and attracting new businesses. The proposed Costco warehouse and associated gasoline station will not only add to the city's tax base but will also provide employment opportunities for residents.
5. The proposed development will be operated in a manner determined to acceptable and compatible with surrounding development in that conditions have been added that require the operator to maintain the property.
6. The sale of alcoholic beverages for off-premise consumption as part of a COSTCO Wholesale warehouse is a permitted use in the Planned Development 39 zoning District.
7. The sale of alcoholic beverages for off-premise consumption is a normal part of COSTCO Wholesale business operations and provides a convenience for customers of the business.
8. Steps can be taken by the Applicant/Operator to reduce the number of incidents resulting from the over-consumption of alcohol including the proper training and monitoring of employees serving alcohol; the careful screening of IDs of customers to avoid sales to under-aged individuals; limiting the number of drinks sold to individual customers to avoid over-consumption; providing properly trained on-site security to monitor customer behavior both in and outside of the COSTCO Wholesale; and working with the Lodi Police Dept. to resolve any problems that may arise.
9. The sale of alcohol beverages at COSTCO Wholesale warehouse is compatible with the surrounding use and neighborhood if the business is conducted properly and if the Applicant/Operator works with neighboring businesses and residents to resolve any problems that may occur.
10. The sale of alcoholic beverages at this location can meet the intent of the Planned Development 39 zoning district and can provide a public convenience or necessity for customers of the business.
11. No variance from the Lodi Municipal Code is approved by this action.

NOW, THEREFORE, BE IT DETERMINED AND RESOLVED by the Planning Commission of the City of Lodi that Use Permit Application No. 09-U-15 and SPARC Application No. 09-SP-06 is hereby approved, subject to the following conditions:

Community Development Department, Planning:

1. The developer will defend, indemnify, and hold the City, its agents, officers, and employees harmless of any claim, action, or proceeding to attack, set aside, void, or annul this approval, so long as the City promptly notifies the developer of any claim, action, or proceedings, and the City cooperates fully in defense of the action or proceedings.
2. No outside storage of material, crates, boxes, etc. shall be permitted anywhere on site, except within the trash enclosure areas as permitted by fire codes. No material shall be stacked higher than the height of any trash enclosure screen wall and gate.
3. No outdoor storage or display of merchandise shall be permitted at the project unless a specific plan for such display is approved by SPARC (approved plan attached). At no time shall outdoor storage or display be allowed within the parking area, drive aisle or required sidewalks of the center.
4. All storage of cardboard bales and pallets shall be contained within the area designated for such use. No storage of cardboard or pallets shall be visible from public right the way.
5. The project proponent shall take reasonable necessary steps to assure the orderly conduct of employees, patrons and visitors on the premises to the degree that surrounding residents and commercial uses would not be bothered and that loitering is not permitted.
6. A minimum of two trash receptacles shall be placed at the customer entry to the Costco warehouse. Trash receptacles shall be a decorative, pre-cast concrete or metal type with a self-closing metal lid. Design of the receptacles shall be submitted with the building permit application for tenant improvements for approval by the Community Development Director.
7. Trash enclosures shall be designed to accommodate separate facilities for trash and recyclable materials. Trash enclosures having connections to the wastewater system shall install a sand/grease trap conforming to Standard Plan 205 and shall be covered.
8. The owner shall maintain in good repair all building exteriors, walls, lighting, trash enclosure, drainage facilities, driveways and parking areas. The premises shall be kept clean. Any graffiti painted on the property shall be painted out or removed within 48 hours of occurrence.
9. Vending machines, video games, amusement games, children's rides, recycling machines, vendor carts or similar items shall be prohibited in the outside area of all storefronts. The storefront placement of drinking fountains and ATM machines shall be permitted subject to the review and approval of the Community Development Director.
10. The applicant shall submit appropriate plans to the Community Development Department for plan check and building permit. The final plans shall include the architectural features such as the approved colors, the building elevations including the cornice, trim caps, and curbed canopy, and other elements approved by the Planning Commission. Any significant alteration to the building elevations as approved by the Planning Commission shall require approval by the Planning Commission.
11. The finished building shall be consistent with the plans approved by the Planning Commission and as conditioned herein.
12. All buildings shall comply with the requirements of Planned Development 39 zoning district and meet setback requirements. All buildings shall implement building elements and materials illustrated on the submitted elevation or otherwise consistent with the architectural theme presented on the submitted elevation of the major tenant building.
13. A final color palette shall be submitted with the building permit application and shall be in substantial conformance with colors and materials approved by the Lodi Planning Commission

for the balance of the Reynolds Ranch development and shall be reviewed and approved by the Community Development Director.

14. The proposed building must comply with all Planning Commission requirements; as well as the requirements of the Community Development, the Public Works, the Electric Utility and the Fire Departments; and all other utility agencies.
15. The location and details of the cart corrals within the parking lot shall be submitted with the building permit application for review and approval by the Community Development Director. Cart corrals shall be provided in the parking lot adjacent to COSTCO Wholesale building and distributed evenly throughout the lot rather than concentrated along the main drive aisle. In addition, physical measures to prevent the removal of carts from the property shall be provided. Such measures shall be submitted with the building permit application. Further, cart corrals shall be permanent with a design that is consistent with the theme of the COSTCO Wholesale building. Portable metal corrals shall be prohibited.
16. All signage shall be in compliance with a detailed Sign Program that shall be submitted to the Development Community Director for review and approval with the first building plan review. Said program shall require all signs to be individual channel letter at the standards provided by the zoning ordinance.
17. Any bollards installed in a storefront location shall be decorative in style and consistent with the theme of the shopping center. Plain concrete bollards, or concrete filled steel pipe bollards shall not be permitted.
18. Hardscape items, including tables, benches/seats, trashcans, bike racks, drinking fountains, etc. shall be uniform for all stores throughout the shopping center
19. All roof mechanical equipment and any satellite dish equipment shall be fully screened from ground-level view within 150 feet of the property.
20. The loading area shown in front of the plans shall be stripped and posted with "NO PARKING – LOADING ONLY" signs to the satisfaction of the Community Development Director.
21. A photometric exterior lighting plan and fixture specification shall be submitted for review and approval of the Community development Director prior to the issuance of any building permit. Said plans and specification shall address the following:
 - a) All project lighting shall be confined to the premises. No spillover beyond the property line is permitted.
 - b) The equivalent of one (1) foot-candle of illumination shall be maintained throughout the parking area.
 - c) All parking light fixtures shall be a maximum of twenty-five 25 feet in height.
 - d) All fixtures shall be consistent throughout the center.
22. Exterior lighting fixtures on the face of the buildings shall be consistent with the theme of the center. No wallpacks or other floodlights shall be permitted. All building mounted lighting shall have a 90-degree horizontal flat cut-off lens unless the fixture is for decorative purposes.
23. All exterior construction activity shall be limited to the hours of 7:00 a.m. to 6:00 p.m. Monday through Saturday. No exterior construction activity is permitted on Sundays or legal holidays.
24. A reciprocal agreement for ingress, egress, and parking shall be executed between all parties within the proposed shopping center and that document shall be provided to the City prior to the issuance of a Certificate of Occupancy.

25. Sidewalks and parking lots must be kept free of litter and debris to minimize the amount of wind-blown debris into surrounding properties. If pressure washed, debris must be trapped and collected to prevent entry to the storm drain system. No cleaning agent may be discharged to the storm drain. If any cleaning agent or degreaser is used, washwater shall not discharge to the storm drains; wash waters should be collected and discharged to the sanitary sewer. Discharges to the sanitary sewer are subject to the review, approval, and conditions of the City wastewater treatment plant.
26. The applicant shall install a decorative concrete block wall, a minimum of six feet in height and a maximum of eight feet in height at the top of slope for the length of the northern and eastern boundary line at the time of ultimate Harney Lane improvements. Said decorative wall shall be provided with creping vine or similar landscape treatment in order to discourage graffiti and other types of vandalism. In the interim, the landscape plan for the project shall concentrate screening material along the northern property frontage adjacent to Harney Lane.
27. The applicant shall submit a landscaping and irrigation plan to the Community Development Department for review and approval. Landscaping materials indicated on the conceptual landscape and irrigation plan may be changed per the review of the Community Development Director or designee but shall not be reduced in amount.
28. The applicant shall select and note on all plans common tree species for the parking lot and perimeter areas from the list of large trees as identified in the Local Government Commission's "Tree Guidelines for the San Joaquin Valley".
29. Project must receive and comply with all terms of the Cal Trans encroachment Permit necessary. Any conditions imposed by Cal Trans for the encroachment permit that result in site plan modifications shall be reviewed by City staff for consistency with Project approvals.
30. All landscaped area shall be kept free from weeds and debris, maintained in a healthy growing condition and shall receive regular pruning, fertilizing, mowing, and trimming. Unhealthy, dead, or damaged plant materials shall be removed and replaced promptly.
31. No seasonal, temporary or permanent outdoor storage or display of merchandise shall be permitted.
32. COSTCO Wholesale shall operate and abide by the requirements and conditions of the State of California Department of Alcoholic Beverage Control License Type 21. The Type 21 License shall be limited to the sale of beer, wine, and liquor (distilled spirits) for consumption off the license premises where sold during the hours that the business is open.
33. COSTCO Wholesale shall insure that the sale of alcohol does not cause any condition that will cause or result in repeated activities that are harmful to the health, peace or safety of persons residing or working in the surrounding area. This includes, but is not limited to: disturbances of the peace, illegal drug activity, public intoxication, drinking in public, harassment of people passing by, assaults, batteries, acts of vandalism, loitering, excessive littering, illegal parking, excessive loud noises, traffic violations or traffic safety based upon last drink statistics, curfew violations, lewd conduct, or police detention and arrests.
34. The Lodi Police Department may, at any time, request that the Planning Commission conduct a hearing on the Use Permit for the purpose of amending or adding new conditions to the Use Permit or to consider revocation of the Use Permit if the Use Permit becomes a serious policing problem.
35. The Use Permit shall require COSTCO Wholesale to secure an Alcoholic Beverage Control License Type 21 Off-Sale General – Package Store.

36. This Use Permit is subject to periodic review to monitor potential problems associated to the sale of alcoholic beverages.
37. Prior to the issuance of a Type 21 license by the State of California Alcoholic Beverage Control Department, the management of the COSTCO Wholesale store shall complete the Licensee Education on Alcohol and Drugs (LEAD) as provided by the State Alcoholic Beverage Control Department. In the event that COSTCO has training that is equivalent to the LEAD program, such documentation shall be submitted to the Community Development Director for review and approval.
38. No person who is in a state of intoxication shall be permitted within the business nor shall an intoxicated patron be sold additional alcoholic beverages. It is the responsibility of the business owner/operator to ensure no patron in state of intoxication is allowed into the building.
39. The operator of the business shall police the area surrounding the business to prevent patrons from congregating/loitering outside the premises and to prevent excessive noise or other objectionable behavior. Noise levels shall be monitored to insure that noise shall not violate the City's Noise Ordinance Section 9.24.020 and Section 9.24.030.
40. The project shall incorporate all mitigation measures as specified in the adopted Final Environmental Impact Report for Reynolds Ranch Project (State Clearinghouse Number 2006012113)
41. The operation of the business shall comply with all applicable requirements of the Municipal Code.
42. Prior to any ground disturbance, the applicant shall notify the San Joaquin County Council of Governments (SJCOG, Inc), and shall schedule a pre-ground disturbance survey, to be performed by an SJMSCP biologist, to determine applicable Incidental Take Minimization Measures (ITMMS). The City shall not authorize any form of site disturbance until it receives an Agreement to Implement ITMMS from SJCOG, Inc.
43. The City shall not issue a building permit for the proposed project until the San Joaquin County Council of Governments determine what, if any, Incidental Take Minimization Measures (ITMMS) apply to the project and until the San Joaquin County Council of Governments verifies all applicable ITMMs have been fully and faithfully implemented.
44. No variance from any City of Lodi adopted code, policy or specification is granted or implied by this approval.
45. This resolution does not constitute a complete plan check. Complete plan check shall be completed during building permit process.

Community Development Department, Building:

46. All plan submittals shall be based on the City of Lodi Building Regulations and currently adopted 2007 California Building code.
47. Cooking equipment that generate grease laden vapors, including but not limited to ranges, griddles, fryers, ovens and pizza ovens shall be required to be equipped with a Type I hood. Equipment that generates heat, steam or odors only shall be required to be equipped with a Type II hood. 2007 CMC, Chapter 5.
48. Each structure including, underground fuel tank, canopy, signage, and main building are required to be submitted under separate permits. 2007 CBC, Appendix Chapter 1 Administration, Section 105.1

49. The canopy and supports over the fuel pumps shall be of non-combustible, fire resistive treated wood, 1 hour rated construction or Type IV construction. 2007 CBC, Section 406.5.2
50. 2007 CBC, Section 406.5.1 requires that motor fuel dispensing facilities meet the construction requirements of the California Fire Code. The facility shall meet the requirements of Chapter 22 of the CFC and the requirements of the Fire Chief.
51. 2007 CBC, Section 413.1 requires that high pile or rack storage meet the requirements of the California Fire Code. Sprinkler system, fire detection system, building access, smoke and heat venting and draft curtains shall be provided as required by 2007 CFC, Chapter 23 and Table 2306.2 and all requirements of the Fire Chief.
52. Storage racks over 6' high shall be submitted under separate permit and cover. Structural calculations required for racks over 8' high. Policy and Procedure No.: B-[08]-[09].
53. Walkways and sidewalks along accessible routes of travel shall be in compliance with the 2007 CBC, Section 1133B.8.5.
54. Number of Accessible parking spaces shall be provided as specified in 2007 CBC, Table 11B-6.
55. All entrances and ground floor exits must be provided with an accessible path of travel to the public way. 2007 CBC, Section 1133B.1.1.1.1

Public Works Department:

56. Provide specifications and calculations for the Kristar Stormwater System. The Stormwater Development Standards Plan Worksheet must be provided before the issuance of the Building Permit.
57. Outdoor loading/unloading dock areas must conform to City of Lodi's Stormwater Development Standards Plan section 3.1.5.
58. The trash enclosure shall conform to the Stormwater Design Standards section 3.1.4. The trash enclosure should be wide enough to provide separate containers for recyclable materials and other solid waste.
59. Reduce the number of connections into the City water main to one connection, conforming to Standard Plan 407 for the fire/domestic/irrigation service.
60. All project design and construction shall be in compliance with the Americans with Disabilities Act (ADA). Project compliance with ADA standards is the developer's responsibility.
61. Payment of the following prior to building permit issuance unless noted otherwise:
 - a) Filing and processing fees and charges for services performed by City forces per the Public Works Fee and Service Charge Schedule.
 - b) Habitat Conservation Fee.
 - c) Stormwater Compliance Inspection Fee prior to building permit issuance or commencement of construction operations, whichever occurs first.
62. Payment of the following prior to temporary occupancy or occupancy of the building unless noted otherwise:
 - b) Development Impact Mitigation Fees
 - c) Wastewater Capacity Impact Mitigation Fee.
 - d) County Facilities Fees.
 - e) Regional Transportation Impact Fee (RTIF).
 - f) Water Treatment Facility Impact Mitigation Fee.

Electric Utility Department:

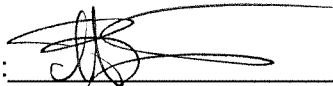
63. The project proponent shall prepare and submit legal description for easements for review and approval. Said legal description shall be submitted to the Lodi Electric Department, Electric Engineering Section.
64. Harney Lane street widening plans shall be submitted to the Electric Utility Department.
65. The applicant shall submit load calculations and Electric drawings to Electric Utility as part of a building permit process. Load calculations and Electric drawings are needed for service equipment location, PUE requirements, and service sizing. Should the load calculations and Electric drawings require a change of site plan, the Planning Department shall forward the site plan to the Planning Commission for review and approval.
66. The Developer shall pay for Electric Utility Department charges in accordance with the Electric Department's Rules and Regulations.

Dated: February 10, 2010

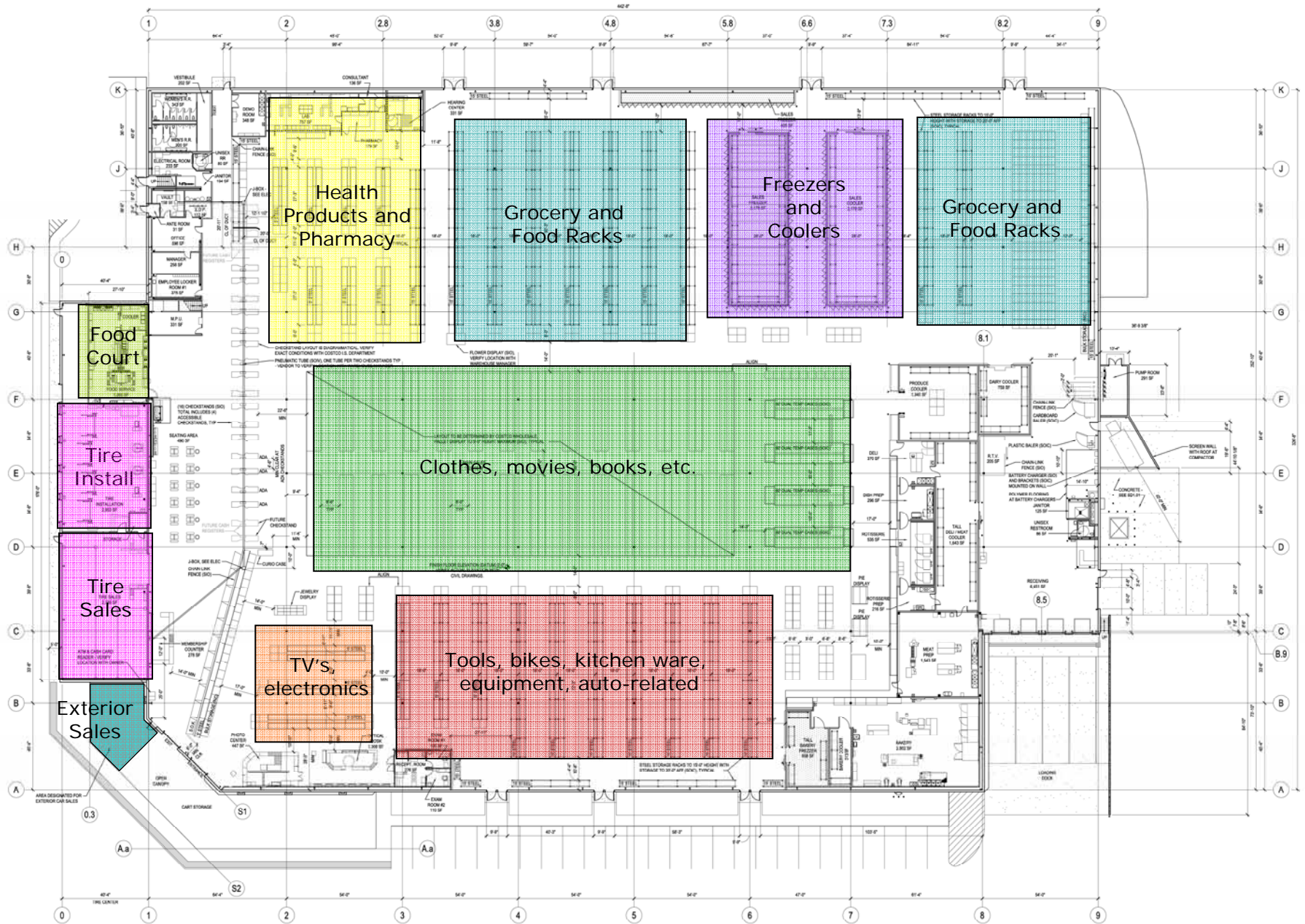
I certify that Resolution No. 10-06 was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on February 10, 2010 by the following vote:

AYES: Commissioners: Heinitz, Hennecke, Kirsten, Kiser, Olson, and Chair Cummins
NOES: Commissioners: None
ABSENT: Commissioners: Mattheis

ATTEST:



Secretary, Planning Commission



Floor Plan

- New Building Area = 148,234 SF



**LODI
PLANNING COMMISSION
Staff Report**

MEETING DATE: February 10, 2010

APPLICATION NO: Use Permit 09-U-15
Site Plan and Architectural Review 09-SP-06

REQUEST: Request for Planning Commission approval of a Use Permit to allow the sale of alcoholic beverages and approve the SPARC application concerning the COSTCO Wholesale building. (Applicant: David Babcock, on behalf of COSTCO Wholesale. File Number: 09-U-15 and 09-SP-15).

LOCATION: 322 East Harney Lane. Approximately 15 acres located at the southwest corner of Harney Lane and State HWY 99.

APPLICANT: David Babcock, 3581 Mount Diablo Blvd., Suite 235, Lafayette, CA, CA 94549

PROPERTY OWNER: San Joaquin Valley Land Company LLC, 1420 S. Mills Ave., Suite K, Lodi, CA 95242

RECOMMENDATION: Staff recommends that the Planning Commission approve the Use Permit and SPARC requests subject to the conditions listed in the attached draft resolution.

PROJECT/AREA DESCRIPTION

General Plan Designation: NCC- Neighborhood Community Commercial.

Zoning Designation: Planned Development (39).

Property Size: Approximately 15 acres

Adjacent General Plan, Zoning and Land Use:

	General Plan	Zone	Land Use
North	LDR, Low density residential; MDR, Medium density residential	Planned Development (39)	Residences
South	NCC, community commercial and O –Office	Planned Development (39)	Vacant parcels and Blue Shield office.
East	GA, General Agriculture (San Joaquin County)	AG-40, Agricultural Uses (San Joaquin County)	State Highway 99, and east of that Agricultural, residential and cemetery uses.
West	NCC, community commercial and O –Office	Planned Development (39)	Agricultural Uses and east of that are residential uses within the Reynolds Ranch annexation.

BACKGROUND:

The Reynolds Ranch project was annexed in to the City of Lodi in 2006 as a mixed-use development. As part of the annexation process, an environmental impact report was prepared and certified, new General Plan and zoning designations were approved and a Development Agreement was signed. The development includes retail and residential uses, public park, fire station, self-storage facility, and the Blue Shield office complex, a major component of the development. Subsequently, portions of the project site have been developed, including the 20.5 acre Blue Shield office complex as well as some of the street and infrastructure improvements. Surrounding uses to this component consist of residential uses to the north, office uses to the south, commercial zoned vacant land to the west, and State Hwy. 99 as well as a single family dwelling to the east.

In the summer of 2008, the developer submitted applications for a General Plan Amendment that would increase the size of the commercial acreage from 40.5 acres to 75.6 acres, reduce the residential acreage from 96.6 acres to 78 acres, eliminate the school site, amend the environmental impact report (EIR), amend the Land Use map for Planned Development (39) to reflect the general plan changes requested, and approve a Vesting Tentative Map. The applicant's request was first considered by the Planning Commission at its hearing of August 27, 2008 and continued to September 10, 2008. At that hearing, the Planning Commission approved the Vesting Tentative Map and recommended the City Council amend the General Plan for the Reynolds Ranch development. The City Council, acting upon the Planning Commission's recommendation for approval, amended the General Plan at their meeting of September 17, 2008.

ANALYSISUse Permit:

COSTCO Wholesale is seeking approval of a Use Permit that would allow a Type 21 Off-Sale General ABC license. Type 21 ABC license authorizes the sale of beer, wine, and distilled spirits for consumption off the license premises where sold. Typically, grocery stores, gas stations and neighborhood stores have Type 21 ABC licenses. The Planning Commission has previously found that the sale of alcoholic beverages is incidental to a grocery store operation and that is what is being requested.

The project area belongs to Census Tract 41.02. Census Tract 41.02 covers the area Curry Avenue, east of Lower Sacramento Road, South of Harney Lane and north of Hogan Lane (approximately .16 miles north of Hogan Lane). According to ABC, Census Tract 41.02 contains 3 existing off-sale licenses with 5 licenses allowed based on the ABC criteria. Because this census tract is not over-concentrated, the Planning Commission does not need to make a finding of public necessity and/or convenience in order to approve the Use Permit.

Site Plan and Architecture Review:

The petitioner requests approval of site plan and architecture of the proposed COSTCO Wholesale warehouse and the surrounding site improvements. The project site consists of the Costco Wholesale building as well as associated gas pumps and parking areas on an approximately 15.35 acre lot located at 322 East Harney Lane. The applicant has submitted preliminary elevations, landscape plans, conceptual signage for the development and location of a gas station. As illustrated on the plans, COSTCO Wholesale warehouse would measure 148,234 square feet and includes a gas station with six one-way lanes for fuel dispensing (16-pump stations). The COSTCO building would be located on the northeast portion of the project site, and the building entrance would face southwest toward the main interior parking lot and Reynolds Ranch Parkway. The architectural theme of the building is a contemporary style and uses construction materials commonly used in commercial shopping center developments such as concrete masonry block and metal panels. The body of the building includes split face concrete masonry block, architectural box-

ribbed and textured metal wall panels with accent awnings in warm earth tone colors. The store would have one customer entrance located at the southwest corner. Lighting fixtures are distributed approximately every 40 feet around the exterior of the building. The proposed COSTCO Wholesale warehouse is subject to the requirements of the City's Section 17.58 of the Municipal Code Design Standards for Large Retail Establishments.

The intent of the building design is to emulate similar materials, colors, and textures of Costco warehouse and gasoline stations located elsewhere. The body of the building is broken up by an offset parapet, articulated entry vestibule, and accent wall materials and colors. These architectural articulations are applied throughout the building. The northern elevation, which is adjacent to Harney Lane and residential property across the street, receives identical architectural treatment as the rest of the building. Due to the uncertainty of the timeframe for final development of a shopping center, Staff has analyzed the proposal to determine if the project can function as a stand alone development while at the same time, be incorporated into the final shopping center site design and layout. Although no application has been made for the rest of the shopping center, staff expects the rest of the shopping center to establish visually harmonious architectural theme and identity as required by the City's large scale retail ordinance which mandates the architecture and signs of a shopping center work together to establish a coherent visual identity.

As mentioned previously, the COSTCO Wholesale warehouse includes an associated gas station. The gas station includes a 2,816 square foot canopy and will be located in the southeast corner of the site along the main Reynolds Ranch Development drive and adjacent to Highway 99. A 75 square foot controller enclosure will be on the north side of the fuel station. It will be built with steel walls and finished with paint to match the warehouse building colors. There will be four covered fueling bays, each with two gas pumps which could fuel two cars each. The gas station will thus have fueling capacity for 16 cars at a time. The fueling station will also have eight stacking lanes which will allow 40 cars to wait for pumps at any given time in addition to the 16 at the fueling pumps. The gas station is automated and self-serving facility requiring a membership card. The gas station hours are identical to the warehouse hours of operation, which is Monday through Friday from 10:00 am to 8:30 pm, Saturday from 9:30 am to 6:00 pm, and Sunday from 10:00 am to 6:00 pm. Since the gas station functions as a complimentary use to the retail, there are a large proportion of shared trips between the two, which indicates that there is a minimal amount of additional trips generated by the gas station. While staff is generally supportive of the proposed architectural articulations, there are few site plan modifications that are being recommended.

Traffic Circulation/Parking

The site plan indicates two access points along the frontage on Harney Lane. The main access to the proposed shopping center is provided from Harney Lane via Reynolds Ranch Parkway. The main entrance to the project parking lot is from the proposed signaled drive which intersects Reynolds Ranch Parkway. A secondary access point is provided from Harney Lane, which is restricted to right in/right out movement. Traffic access to the shopping center is also provided from the south, though this has limited access at the moment. The project necessitates off-site improvements such installation of sidewalks, curbs and gutter along Harney Lane. Improvements to Harney Lane are proposed to occur in two phases. The initial phase will widen the street from roughly Stockton Street to the entry into the shopping center east of Reynolds Ranch Parkway. Transitional improvements will occur from that drive to the Hwy. 99 overpass. These improvements will need to be implemented prior to issuance of Certificate of Occupancy. The ultimate improvements will include a new overpass and ramps. There will be a grade difference between the existing condition and the northeast corner of the shopping center of approximately 15 feet.

Onsite parking is provided on the south and west of the COSTCO building in order to reduce the visual impact of one large paved surface. The Costco development, including the proposed gas station, requires a total 742 parking spaces (General Retail 5/1000), 755 spaces are being provided (5.09/1000), which includes fifteen ADA compliant parking stalls are also provided. The City's large box ordinance states that maximum number of off-street parking spaces cannot exceed five spaces for every one thousand square feet of building space. In this case, the applicants have provided thirteen (13) more spaces than the maximum allowable parking spaces. As shown on the site plan, there are a total of nine cart corrals distributed throughout the parking lot. Staff recommends the applicants provide at least one cart corral per driving isle in order to reduce the total number of parking spaces to conform to applicable City rules and to provide safe and pleasant shopping experience to their customers. In addition, the proposed cart corrals should be permanent with a design that is consistent with the theme of the COSTCO Wholesale building and the balance of the center.

Landscape/Signage

Projects of this size are required to provide one tree for every 500 square feet of open space and one shade tree for each 4 parking spaces. The applicant has submitted a generic landscape plan, which calls for various large shade trees, smaller trees, shrubs and ground covers distributed throughout the parking lot and on the north and east edges of the project site. Given the size of the building, the project proponent is required to provide 193 larger shade (parking lots trees) distributed within the parking lot interior and additional one tree for every 500 open space. According to the applicant project description, a substantial amount of the proposed plant material for the new site is drought tolerant and will use less water than other common species. The proposed irrigation system will use deep root watering bubblers for parking lot shade trees to minimize usage and ensure that water goes directly to the intended planting areas.

The approval of project signage is not a part of the current review and would be subject to City of Lodi codes and requirements to ensure they complement the building architecture and landscaping of the building. Signage applications and approvals would be completed separately. However, the applicant have illustrated the location and design of the signs they intend to use. The wall signs consist of the trademark red and blue raised reverse pan metal letters. It is unclear at the moment if the project will include free standing signs.

The proposed development is consistent with the City's General Plan and is an attractive addition to the City in that the proposed Costco warehouse and gasoline station will provide much needed services to the City of Lodi and enhance the City's economic viability and increase the tax base. The proposed Costco warehouse and associated gasoline station will not only add to the city's tax base but will also provide employment opportunities for residents. The COSTCO building is in full conformance with the City's Section 17.58 of the Municipal Code Design Standards for Large Retail Establishments. These standards were adopted in 2004 specifically to deal with the design of large scale retail establishments like COSTCO. The applicant has met or exceeded each of these standards as presented and conditioned. Therefore, staff is recommending that the Planning Commission approve this request.

As mentioned previously, the Costco building has frontage along Harney Lane, but ultimately this frontage will be separated by as much as 15 feet. The interim and ultimate conditions will be quite different. We believe the City code requires that a decorative masonry wall be constructed at the top of slope along this frontage. However, this will have to be done with the ultimate improvements as the grade difference will not exist until this project is complete. A condition of approval has been included in the Resolution to accommodate this situation.

PUBLIC HEARING NOTICE:

Legal Notice for the Use Permit was published on January 27, 2010. 52 public hearing notices were sent to all property owners of record within a 300-foot radius of the subject property as required by California State Law §65091 (a) 3. Public notice also was mailed to interested parties who had expressed their interest of the project. No protest letter has been received.

ALTERNATIVE PLANNING COMMISSION ACTIONS:

- Approve with additional/different conditions
- Deny the Use Permit/SPARC
- Continue the requests

Respectfully Submitted,

Concur,

Immanuel Bereket
Assistant Planner

Konrad Bartlam
Community Development Director

ATTACHMENTS:

- A. Vicinity Map
- B. Site Plan
- C. Resolution



VICINITY MAP

N.T.S.

COSTCO WHOLESALE

HARNEY LANE AND HIGHWAY 99
LODI, CALIFORNIA

SPARC & CUP APPLICATION



REGIONAL MAP

N.T.S.



SHEET INDEX

- 1 TITLE SHEET
- 2 SITE UTILIZATION MAP
- 3 CONCEPT SITE PLAN
- 3.2 TRUCK SWEEP PATHS
- 4 CONCEPT FLOOR PLAN
- 5 CONCEPT ELEVATIONS
- 6 CONCEPT LANDSCAPE PLAN



COSTCO
WHOLESALE

HARNEY LN. & HWY. 99
LODI, CA

DAVID BABCOCK
& ASSOCIATES

2001 SUT DUMBLE RD., SUITE 201
LAPAYETTE, CALIFORNIA 95249
TEL: (925) 941-1000 FAX: (925) 941-4022
www.dbabcock.com

0008.P.119
FEBRUARY 5, 2010
TITLE SHEET





1

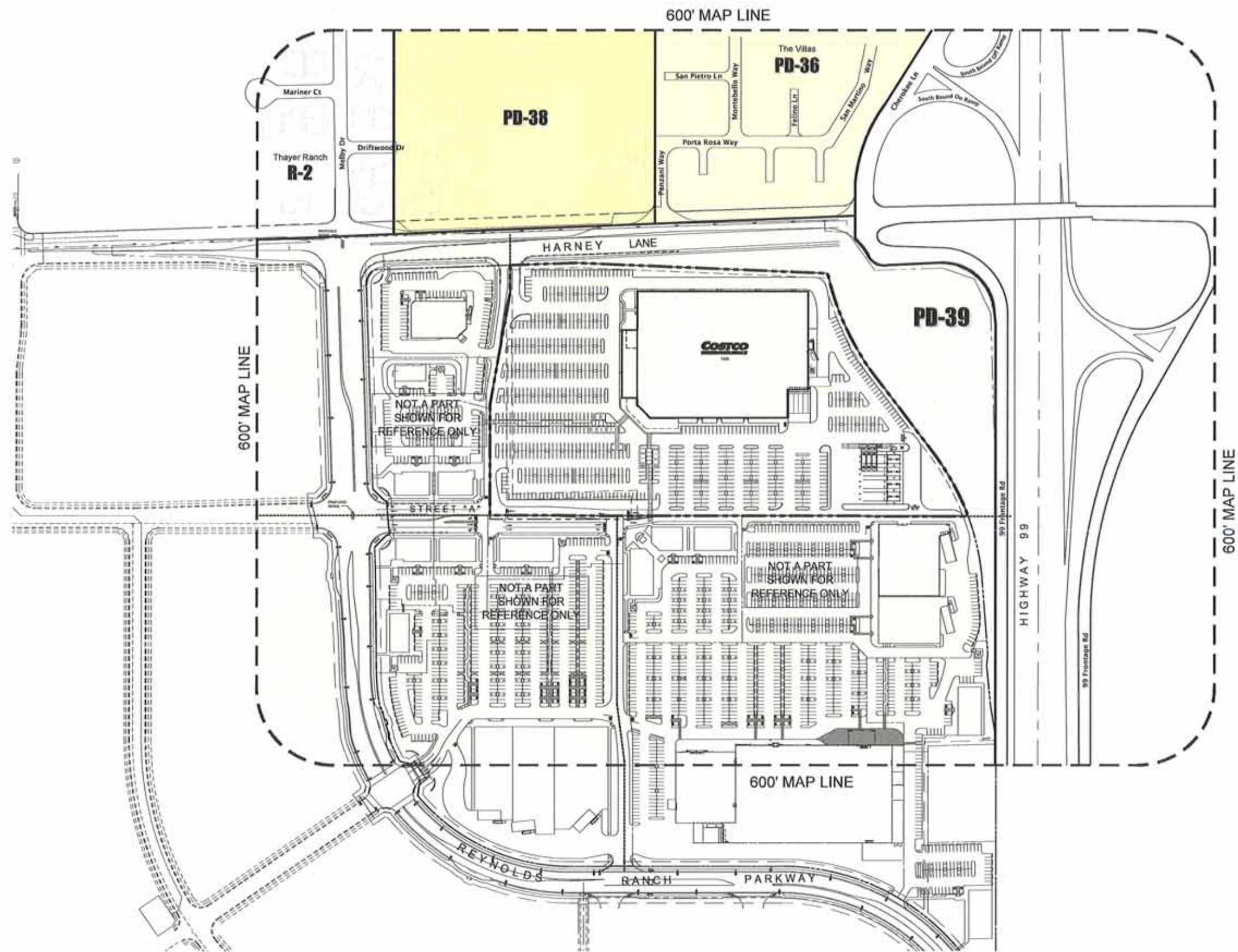
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COSTCO
WHOLESALE

LODI, CALIFORNIA

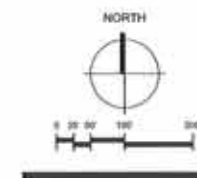
ZONING LEGEND

-  R-2 SINGLE FAMILY RESIDENTIAL
- PD, PLANNED DEVELOPMENT
 -  PD-36
 -  PD-38
 -  PD-39



LODI, CALIFORNIA

SITE UTILIZATION MAP



HARNEY LN. & HWY. 99
LODI, CA

DAVID BABCOCK
& ASSOCIATES

PROJECT: 0008.P.119
LAFAYETTE, CALIFORNIA 94509
TEL: (925) 281-1000 FAX: (925) 281-1001
www.dababcock.com

0008.P.119
FEBRUARY 5, 2010
SITE UTILIZATION
MAP

PROJECT DATA

CLIENT: COSTCO WHOLESALE
999 LAKE DRIVE
ISSAQUAH, WA 98027

PROJECT ADDRESS: HARNEY LANE AND HWY 99
LODI, CALIFORNIA

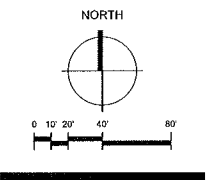
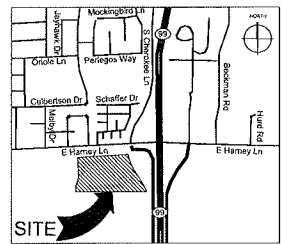
PROPOSED
COSTCO PARCEL: 15.05 ACRES (655,761.87 S.F.)

JURISDICTION: CITY OF LODI

BOUNDARIES
INFORMATION: THIS PLAN HAS BEEN PREPARED
BY USING DIGITAL DATA PROVIDED
BY RSC ENGINEERING.

BUILDING DATA:	
TOTAL BUILDING AREA	148,234 S.F.
PARKING DATA:	
PARKING PROVIDED:	
# 10' WIDE STALLS	740 STALLS
#/HC HANDICAP STALLS	15 STALLS
TOTAL PARKING	(5.09/1000) 755 STALLS
CITY PARKING REQUIRED (5.0/1000 MAX.) 742 STALLS	

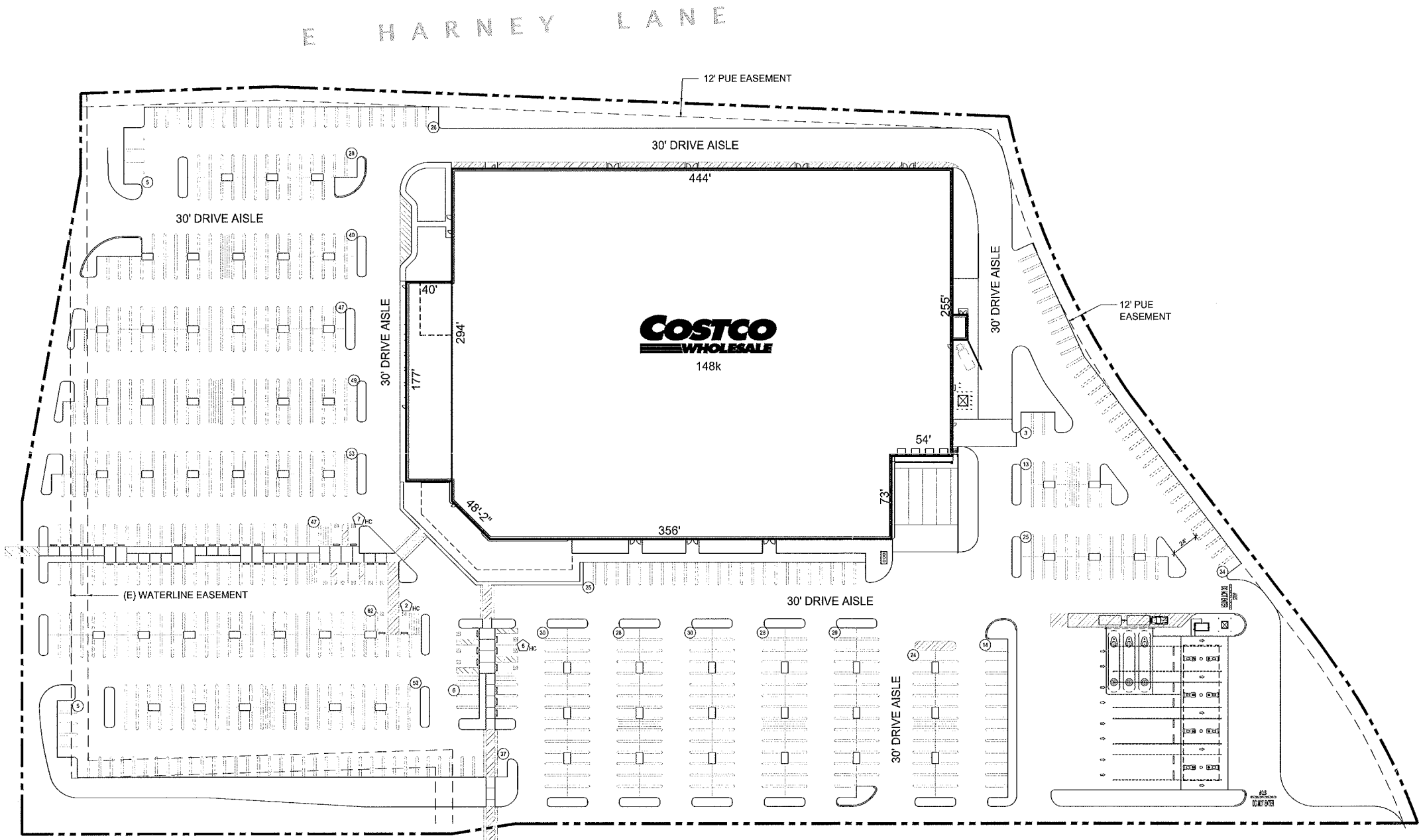
VICINITY MAP

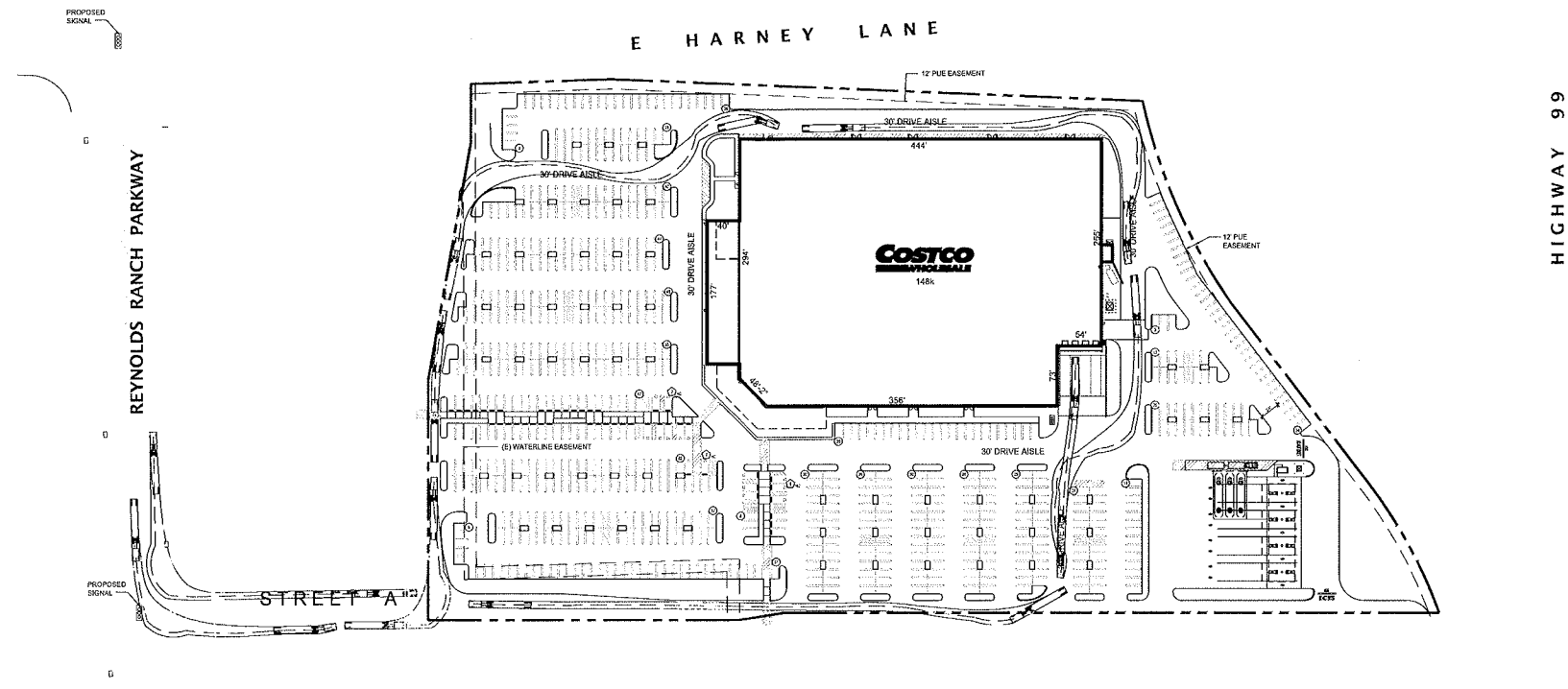


HARNEY LN. & HWY. 99
LODI, CA

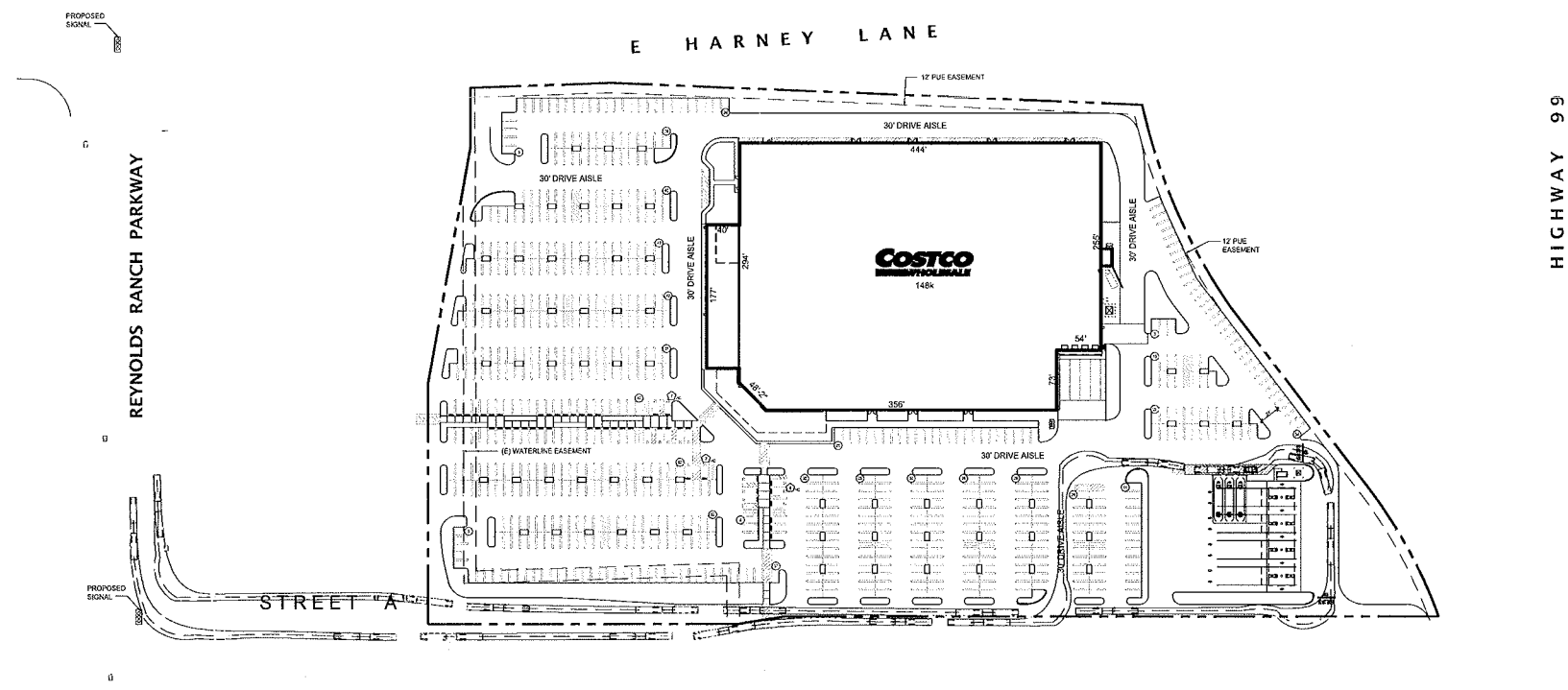
DAVID BABCOCK
& ASSOCIATES
ARCHITECTURE - PLANNING - LANDSCAPE
3581 MT. DIABLO BLVD., SUITE 235
LAFAYETTE, CALIFORNIA 94509
TEL: (925) 285-5070 FAX: (925) 283-1823
www.dabcock.com

0008.P.119
FEBRUARY 5, 2010
CONCEPT
SITE PLAN 1.30

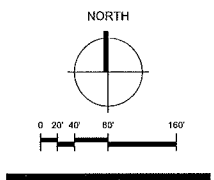




TRUCK SWEPT PATH - WAREHOUSE



TRUCK SWEPT PATH - FUEL STATION



HARNEY LN. & HWY. 99
LODI, CA

DAVID BABCOCK
& ASSOCIATES
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LAFAYETTE, CALIFORNIA 94549
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www.dbabcock.com

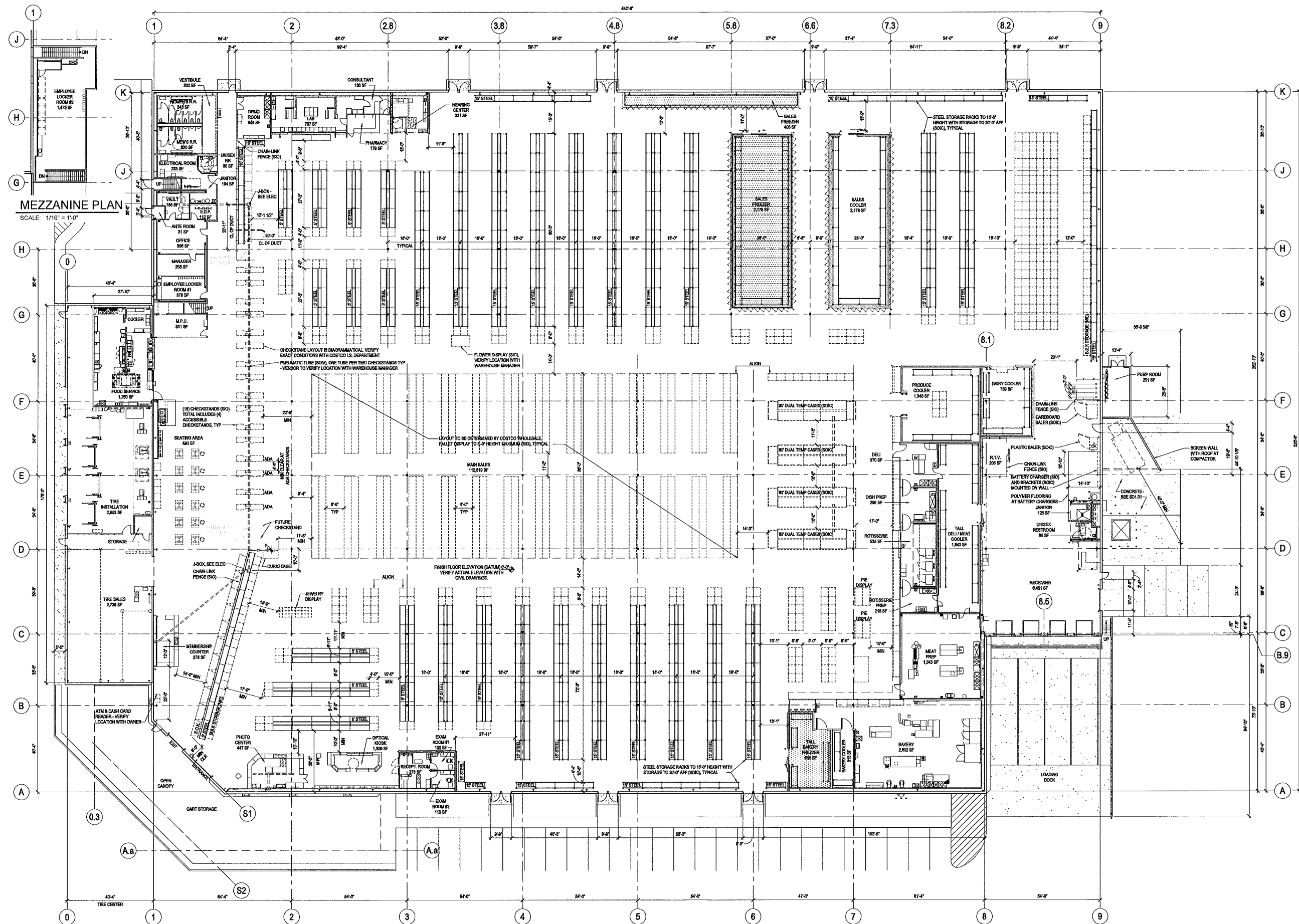
0008.P.119
FEBRUARY 5, 2010
TRUCK
SWEPT PATHS

3.2



LODI, CALIFORNIA

TRUCK SWEPT PATHS



APPROVED BY:

DATE

EXECUTIVE VP

DATE

SENIOR VP

DATE

REGIONAL VP

DATE

PROJECT DATA

BUILDING DATA

BUILDING AREA

TIRE CENTER

FOOD SERVICE

EMPLOYEE LOCKER RM #2

TOTAL BUILDING

PUMP ROOM

BACK COUNT

GROCERY RACKS (15%)

CENTER SECTION

HARDLINE RACKS (15%)

NOTES:

ELECTRICAL PLATFORM

SCALE: 1/16\"/>

EQUIPMENT PLATFORM

SCALE: 1/16\"/>

0 4' 8' 12' 16'

1/8\"/>

COSTCO WHOLESALE

LODI, CA

HARNEY LN. & HWY 99

LODI, CA

MULVANNY G2

1110 112TH AVE. NE | SUITE 500

BELLEVUE, WA | 98004

1.425.463.2000 | 1.425.463.2002

MulvannyG2.com

07-0449-01

FEBRUARY 5, 2010

CONCEPT FLOOR PLAN

4

COSTCO WHOLESALE

LODI, CALIFORNIA

CONCEPT FLOOR PLAN

FEBRUARY 5, 2010



1 SOUTH ELEVATION
SCALE: 1/16" = 1'-0"



2 WEST ELEVATION
SCALE: 1/16" = 1'-0"



3 ENTRY ELEVATION
SCALE: 1/16" = 1'-0"

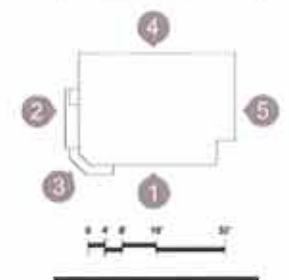


4 NORTH ELEVATION
SCALE: 1/16" = 1'-0"



5 EAST ELEVATION
SCALE: 1/16" = 1'-0"

KEY PLAN



COSTCO
WHOLESALE
LODI, CA

MULVANNY G2

1110 112TH AVE. NE | SUITE 500
BELLEVUE, WA | 98004
1-425-453-2000 | 1-425-453-2002

www.mulvannyg2.com

07-0449-01
FEBRUARY 5 2010
CONCEPT
ELEVATIONS



TREE LEGEND

SYMBOL	BOTANICAL / COMMON NAME
	Koelerutaria bipinnata / Chinese Flame Tree
	Lagerstroemia hyb. 'Dynamite' / Dynamite Crape Myrtle
	Lagerstroemia hyb. 'Tuscarora' / Tuscarora Crape Myrtle
	Platanus chinensis / Chinese Platanus
	Quercus ilex / Holly Oak
	Sequoia sempervirens 'Aptos Blue' / Aptos Blue Coast Redwood
	Ulmus parvifolia 'True Green' / True Green Chinese Elm
	Zelkova serrata 'Village Green' / Village Green Japanese Zelkova

IRRIGATION SYSTEM STATEMENT

THE IRRIGATION SYSTEM WILL BE A WATER EFFICIENT LOW FLOW, LOW GALLONAGE SYSTEM DESIGNED TO PROVIDE ADEQUATE SUPPORT OF PLANT GROWTH AND INSURE DEEPLY ROOTED PLANT MATERIAL WHILE AVOIDING EXCESS WATER APPLICATION. THE SYSTEM WILL BE PROGRAMMABLE, ALLOWING OPERATION DURING EARLY MORNING HOURS, WHICH WILL CONSERVE WATER (LESS WIND EVAPORATION). IRRIGATION MATERIALS SPECIFIED FOR THE SITE WILL BE SELECTED ON THE BASIS OF DURABILITY AND EASE OF MAINTENANCE.

SHRUB LEGEND

MIX OF SHRUBS AND GROUND COVERS SHALL BE PROVIDED INCLUDING THE FOLLOWING POTENTIAL PLANT OPTIONS BELOW.

SHRUBS AND PERENNIALS

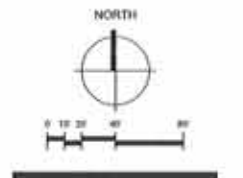
BOTANICAL / COMMON NAME	SIZE
Berberis thunbergii 'Rose Glow' / Dwarf Red Japanese Barberry	5 gal.
Chondropetalum leucum / Cape Rush	1 gal.
Coloneaster dumosus 'Lowland' / Lowland Cotoneaster	1 gal.
Dianella caerulea 'Little Becca' / Little Becca Dianella	1 gal.
Dianella revoluta 'Big Rev' / Big Rev Dianella	1 gal.
Dianella revoluta 'Little Rev' / Little Rev Dianella	1 gal.
Dianella tasmanica / Tassied Dianella	1 gal.
Dielsia vegeta / Fortnight Lily	5 gal.
Dielsia vegeta 'Variegata' / Variegated Fortnight Lily	5 gal.
Hemerocallis hyb. 'Baby' / Yellow Daylily (Evergreen)	1 gal.
Levandula stoechas 'Otto Quast' / Otto Quast Lavender	1 gal.
Lomandra longifolia 'Breeze' / Breeze Mat Rush	1 gal.
Phormium tenax 'Bronze Baby' / Bronze Baby Flax	15 gal.
Phormium hyb. 'Yellow Wave' / Yellow Wave Flax	15 gal.
Plumbago auriculata 'Royal Cape' / Royal Cape Plumbago	1 gal.
Rhamnus californica 'Mound San Bruno' / Mound San Bruno Coffeeberry	5 gal.
Rosa 'Red Drift' / Red Drift Rose	5 gal.
Salvia leucantha 'Midnight' / Midnight Mexican Bush Sage	1 gal.

GROUND COVER

Rosemary 'Lockwood de Forest' / Lockwood de Forest Rosemary	1 gal.
Roemeria officinalis 'Collingwood Ingram' / Collingwood Ingram Rosemary	1 gal.

ORNAMENTAL GRASS

Festuca mairei / Atlas Fescue	1 gal.
Pennisetum orientale / Oriental Fountain Grass	1 gal.



HARNEY LN. & HWY. 99
LODI, CA

DAVID BABCOCK
& ASSOCIATES

REGISTERED LANDSCAPE ARCHITECTS
1001 N. DEAN BLVD., SUITE 200
LAFAYETTE, CALIFORNIA 94501
TEL: (925) 944-0010 FAX: (925) 944-0022
www.dbabcock.com

0008.P.119
FEBRUARY 5, 2010

CONCEPT
LANDSCAPE
PLAN

6



LODI, CALIFORNIA

CONCEPT LANDSCAPE PLAN

**LODI PLANNING COMMISSION
REGULAR COMMISSION MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, FEBRUARY 10, 2010**

DRAFT

1. CALL TO ORDER / ROLL CALL

The Regular Planning Commission meeting of February 10, 2010, was called to order by Chair Cummins at 7:00 p.m.

Present: Planning Commissioners – Heinitz, Hennecke, Kirsten, Kiser, Olson, and Chair Cummins

Absent: Planning Commissioners – Mattheis

Also Present: Community Development Director Konradt Bartlam, Deputy City Attorney Janice Magdich, Assistant Planner Immanuel Bereket, Public Works Director Wally Sandelin and Administrative Secretary Kari Chadwick

2. MINUTES

“January 27, 2010”

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kirsten, Kiser second, approved the Minutes of January 27, 2010 as written. (Commissioner Olson and Chair Cummins abstained because they were not in attendance of the subject meeting)

3. PUBLIC HEARINGS

- a) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Chair Cummins called for the public hearing to consider the request to certify the proposed Mitigated Negative Declaration 08-ND-03 as adequate environmental documentation for the proposed project; request for a Tentative Parcel Map to divide one parcel in to two lots and approve the site plan and architecture of the proposed development including affordable housing development standard concessions at 2245 Tienda Drive. (Applicant: Eden Housing. File Number 09-MND-03, 09-P-01 and 09-SP-04)

Director Konradt Bartlam gave a brief PowerPoint presentation based on the staff report. There is one concession that is being asked for and that is for the number of parking spaces. There currently is not a separate parking requirement for senior housing. The closest requirement is for multi-family housing which is two spaces per unit. The applicant is asking for three-quarters of a space per unit. Staff has reviewed this and compared it to comparable projects and believes it is a reasonable standard for the project proposed. Staff is recommending approval of the project as presented.

Commissioner Heinitz stated his concerns regarding the lack of parking and the nature of Tienda Drive as a thoroughfare to the Target Shopping Center. There is also the school directly across the street. Tienda Drive is somewhat of an upscale neighborhood entering into Sunwest. He also added that if he were to bring a project before staff for an apartment building two covered parking spaces would be required per unit. The parking that is being recommended isn't even covered. The units on Wimbledon which closely resembles this project seems to have more parking spaces and with all the empty hard spaces that are on the plan he feels that there could be more parking provided. Director Bartlam stated that there are examples in town, like the Arbor project and the Vintage, that supply less than two parking spaces per unit and they are straight senior projects with no income restriction. The project located in Manteca which Mr. Bartlam visited a couple of times has the same situation as this project and has less than one space per unit and not all of the spaces are being utilized. The average age of the tenants is close to 80 and the income is in the very low range. Heinitz stated that there are transportation and other amenities that are being supplied to those other projects that are not being offered with this project.

Commissioner Olson stated her concerns regarding the parking also and would like to know which demographic sector is being targeted. Mr. Bartlam stated that the demographics here will be the same as the demographics in Manteca, income earnings will be \$10,000-\$15,000 per year in most cases. Rents will be gauged to be no more than thirty percent of their income. The target group that is in need and the one that staff and Eden Housing feels will be reached is the single female in their seventies. Olson asked what kind of stock Lodi currently has. Bartlam stated that there are only a couple of projects just for seniors, the Arbors and the LOEL Center has sixteen units mostly within walking distance of the center. The downtown hotel is also an example that would be at the same income level and it has no parking. Olson asked if overflow parking would be on the street. Mr. Bartlam stated that it would, but overflow parking is not anticipated.

Hearing Opened to the Public

- Faye Blackman, Eden Housing representative, came forward to answer questions. Ms. Blackman gave a brief presentation of the company's assets and introduced the rest of the team that accompanied her here tonight. The target tenant is the single female in her seventies.
- Chair Cummins asked if the target age is over 70 years of age. Ms. Blackman stated that that is correct.
- Commissioner Heinitz asked about the other developments managed by Eden and what types of amenities are offered in and around the property. Ms Blackman stated that other projects are in and around public transport. Eden also creates relationships with local senior centers and has reached out to the LOEL Center and the Senior Center located at Hutchins Street Square and is looking forward to working with them. Heinitz asked about transportation for grocery shopping, doctor's appointments, etc. Ms Blackman stated that there is a bus stop about a quarter mile away that services four lines and for the seniors that don't use the bus , or the City's Dial-a-Ride system Eden feels there will be other support groups to assist them.
- Vice Chair Hennecke asked if there will be more demand for the 55 to 70 in the near future. Ms Blackman stated that she does not foresee any demand issues in this category. Hennecke asked if any one bedroom units have couples living in them. Ms Blackman stated that there are few couples living in the one bedroom units. Eden allows up to three people living in the one bedroom units, a couple with their care provider, but this is not very common. Hennecke asked if in the case where there are two or more people living in the residence does only one of them have to be 55 or older. Ms Blackman stated that only one needs to be 55 years of age.
- Commissioner Kiser stated his concerns with the lack of parking, his concern over a senior having to walk a quarter mile to catch a bus, and his concern over three people sharing a one bedroom apartment. Ms Blackman stated that three people in a one bedroom apartment is very rare and isn't expected, but is allowed. Kiser asked if there will be a bus service to take the residents to the LOEL Center for dinner since this project does not provide dinners. Ms Blackman stated that Eden is working with the LOEL Center to provide this type of service. Kiser stated that he will have a problem approving the project if those amenities are not in place.
- Commissioner Olson stated that she is hearing a great deal of support by City staff and is confident that staff will make sure that the transportation is provided. Olson pointed out the potential PV System and asked why it is just a potential system. Ms. Blackman stated that the PV system is very expensive and Eden is trying to identify a funding source. Mr. Bartlam stated that Staff has been working with the Electric Utilities Department to help find a funding source.
- Commissioner Heinitz stated his concern with three people living in a one bedroom unit and whether or not that is legal under the Uniform Housing Codes, and if there are three people one would probably be a support staff that will have need of a vehicle. Peter Waller, architect for the project, came forward to address the concerns with the lack of parking

spaces. There is a strong push for an open space concept with this project and adding additional parking contradicts that goal. One of the reasons is for on site storm water management. This allows for less impact on the City wide storm drainage system. If this was a regular multi-family complex then two parking spaces per unit would be provided, but it isn't and Eden is just asking for the project to be pictured as what it is. Mr. Waller explained some of the items that will be used to make this project as green as possible. Heinitz stated that he is in total support of this project, but has an issue with the lack of parking because of the overflow being on Tienda Drive. Mr. Waller stated that there has not with all of the other projects done by Eden been parking issue. It would not be beneficial for Eden to not supply enough parking for their tenants, or supply too much parking.

- Commissioner Kiser stated that in addition to concerns with parking there is a concern with the PV System being shown that may not happen and the roofing material that is being used is not going to fit in with the surrounding area. Kiser is concerned that what is being shown to the Commission isn't going to happen. Mr. Waller stated that the roofing shingles will be a thirty or forty year shingle. Kiser stated that what is shown is not a thirty or forty year composition shingle and the PV System that is shown may not be used. Mr. Waller stated that the solar is being shown because the intention is to put them on the buildings and there may have been objections if they were not shown and added later and the roofing shingles will be a thirty or forty year asphalt shingle. Kiser would like to be shown what is going to be done not what could be.
- Commissioner Hennecke asked about the spaces next to the office being designated as visitor parking. Mr. Waller stated that they will be designated for visitors.
- Commissioner Heinitz stated his concern for the quality of the project being presented for this area and the emphasis that is being placed on expense. Mr. Waller asked if there is a specific answer that would be more satisfactory that would be satisfactory for the roof. Heinitz stated that he doesn't want a verbal promise, he wants it in writing.
- Director Bartlam stated that this is the site plan and architectural review and if the Commission wishes to require architectural changes to the project then they have discretion to do so. Mr. Bartlam pointed out that the Wine and Roses project used an asphalt shingle. This is a two phase project, so maybe the Commission could place conditions for one parking space per unit on the first phase and at the appropriate time Eden can bring back the second phase for any alterations, but conditioning it this way could cost valuable living units. If there are specific conditions the Commission wants to place on the type of roofing shingles or the PV System used, then that is your prerogative and now is the time to do it.
- Commissioner Olson stated that she is very excited about the project and that she feels the Commission's questions are valid. She also stated that the City could have made this go a little easier by showing that there would be support services going to this location, and then .75 parking spaces would be great. Mr. Bartlam stated that the City has a very accomplished Dial-A-Ride program. Staff is bringing forward a recommendation for what is believed to be a project that is in the best interest of the community based on staff's experience. Olson stated that she is all for giving the builder the benefit of the doubt, but believes that there are other support issues beyond the building that will make this a successful project. She is inclined to work with Eden through the first phase rather than not have the senior housing that is so desperately needed.
- Commissioner Kiser stated his agreement with Commissioner Olson, but would like to see a condition requiring an architectural roofing shingle.
- Katie Lamont, representative for Eden Housing, came forward to address concerns. The seniors that come to live at an Eden project stay with Eden until they can no longer live on their own. The facilities are staffed with a coordinator that is there to make sure that the amenities that are needed get supplied. This project when put to an internal test for green point scale rating rated a 127, so the commitment to green building is a very high priority. Solar isn't the first item that is looked at for a project because there are so many other items that are higher on the green scale. The parking has been determined by past experiences with all the projects that Eden has done, and would not be brought to the Commission for

approval with inadequate parking as suggested. After having many discussions with Tracy Williams with the LOEL Center there is transportation services to and from the project site to the center through the public bus transportation system and Dial-A-Ride. The LOEL Center has five vans at their disposal that Eden is in discussions with Ms. Williams for the use of one of them to help with the transportation of Eden's residents to and from the Center and home. There will also be other support areas such as family and friends that will provide transportation.

- Commissioner Kirsten asked if there is a demand for senior housing in Lodi. Ms. Lamont stated that the City sending out a RFP (Request For Proposals) for the project indicates the need. Ms Blackman stated that there is a waiting list with 150 people on it for the current senior housing units in Lodi. Kirsten stated that the market drives this type of project. Ms Blackman agreed. Kirsten stated his understanding of the cost factor for the affordability and wanted to know if the concerns that are being expressed could drive up the cost or are the items doable from an affordability aspect. Ms Blackman stated that there is a point that will put the project out of the affordability range. Eden is an owner/builder/manager company and the projects are built to a lasting standard. Kirsten stated that he is concerned about the lack of parking also, but will defer that to Eden at this time. He would not like to see the project loose units at the cost of parking. Kirsten asked about other projects having PV systems and the return they have had. Ms Blackman stated that there is one project that is currently having a PV system installed.
- Keith Land, former board member for the LOEL Center, came forward to support the project. The LOEL Center has 16 units and only 7 parking spaces are utilized because of the cost of maintaining the vehicles. The Center offers congregational meals and currently serves 53 meals per day. Through the CDBG program offered by the City of Lodi the Center has received enough money to remodel the kitchen and with the remodel the meal capacity will be 500 meals per day. The goal of the LOEL Center is to start providing Meals-On-Wheels to seniors all around the City. Mr. Land stated that he sat on the board that chose Eden Housing for this project and stated that in his opinion Eden is the cream of the crop. Mr. Land has been to the Manteca project site five times and there is always parking even during the grand opening.
- Commissioner Hennecke asked how the seniors get around town. Mr. Land stated that there is a combination of ways, family, bus, and Dial-A-Ride that get the seniors around to their various appointments.

Public Portion of Hearing Closed

- Commissioner Hennecke asked if there is a way to incorporate a bus stop in front of this project. Director Sandelin stated that a bus route does not currently go down Tienda Drive. A route study would have to be done to determine the need, but based on the clientele being served here Mr. Sandelin feels they would much rather use Dial-A-Ride.
- Chair Cummins stated that Commissioner Mattheis and he were a part of the group that picked Eden for this project and feels that this is a benefit to the City. He does not feel that this project should be held to the same standards as a single family custom built home like the ones you will find in the adjacent development. Cummins shared that his mother lives in a similar type development in Michigan and it is very nice.
- Commissioner Heinritz stated that his main concern is the lack of parking. If the Commission were to leave the condition at .75 spaces per unit for phase one would phase two come back, so that it can be determined if that was adequate. Mr. Bartlam stated that he recommends changing the condition to reflect the one space per unit for the first phase then let Eden come back to request less if they find that one space is more than enough. Worst case scenario Eden loses a few units in the back on phase two.
- Commissioner Kirsten stated that there is an urgent need for this type of housing in our area and is comfortable with the parking assessments provided by Eden and would hesitate to increase the parking at this time. Kirsten would like the Commission to not condition the project out of the affordability range or to take away any of the green space.

- Commissioner Olson stated her agreement with Commissioner Kirsten and would support the project with the current parking so as to not loose any units and with an added condition for the architectural roofing shingles if that is something the other Commissioners felt strongly about.
- Commissioner Heinitz agreed with his fellow Commissioners other than erring on the side of caution for the first phase and requiring one parking space per unit and then going with the .5 spaces per unit on the second phase which would then equal out to be .75.
- Commissioner Hennecke stated his agreement with Commissioner Kiser regarding the architectural roof shingles and as far as the parking he is comfortable with the plan as proposed. He then asked if staff new what the utilization of the bus transit and Dial-A-Ride system is for the other senior housing projects. Mr. Bartlam and Sandelin stated that they did not have those numbers directly in front of them, but could get them and bring them back.
- Commissioner Kiser stated appreciation to his fellow Commissioners in their support for the architectural roofing shingles. He would also like to err on the side of caution for the parking spaces and require one per unit now and let Eden come back and ask to alter it for phase two.
- Director Bartlam stated the possible added language for the altered condition #5:
 - At a minimum a thirty year architectural grade shingle will be used.
- Commissioner Kirsten added to condition #4; that there be a 1 to 1 ratio for parking for phase one.

MOTION / VOTE:

The Planning Commission, on motion of Kirsten, Kiser second, approved the request of the Planning Commission to certify the proposed Mitigated Negative Declaration 08-ND-03 as adequate environmental documentation for the proposed project at 2245 Tienda Drive subject to the conditions in the Resolution. and;

Approved the request of the Planning Commission for a Tentative Parcel Map to divide one parcel in to two lots and approve the site plan and architecture of the proposed development including affordable housing development standard concessions at 2245 Tienda Drive subject to the conditions in the Resolution with the added verbiage as stated above. The motion carried by the following vote:

Ayes: Commissioners – Heinitz, Hennecke, Kirsten, Kiser, Olson, and Chair Cummins
 Noes: Commissioners – None
 Absent: Commissioners – Mattheis

- b) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Chair Cummins called for the public hearing to consider the request for a Use Permit to allow the sale of alcoholic beverages and approve the SPARC application concerning the COSTCO Wholesale building. (Applicant: David Babcock, on behalf of COSTCO Wholesale. File Number: 09-U-15 and 09-SP-15)

Director Konradt Bartlam gave a brief PowerPoint presentation based on the staff report. Mr. Bartlam provided a look at what is proposed for the balance of the center that was submitted after the packet delivery.

Commissioner Kiser asked what the time line is for the reconstruction build out for Harney Lane. Director Sandelin stated that the widening of Harney Lane west of Stockton Street running easterly to a point east of the second Costco driveway should be completed prior to the store opening. There are some additional interchange improvements that will be complete prior to the store opening. Kiser asked when the store is projected to be open. Mr. Bartlam stated no later than late summer. Kiser asked if the Haney Lane improvements would be complete in time. Mr. Sandelin stated they would.

Commissioner Heinitz asked about the Highway interchange improvements making the traffic more difficult. Director Sandelin stated that one of the original mitigation measures was to make improvements to the two wrap intersections, one on the east side of the interchange and the other

on the west side. Staff is working with CalTrans and has received a verbal commitment from them to have those improvements done by late summer.

Director Bartlam pointed out that there have been a few changes made to the Resolution which are shown on the Resolution provided on the Blue Sheets.

Hearing Opened to the Public

- David Babcock, Real-estate Development Director for Costco, came forward to answer questions. Mr. Babcock provided some background information on the Costco Company and the positive effects that the company has on the communities that they reside.
- Commissioner Kirsten asked if having the Costco visible from the freeway will help attract traffic that wouldn't normally stop in Lodi into the shopping center helping to create sale tax dollars for Lodi. Mr. Babcock stated that if you are a Costco member you are able to stop at any center to do your shopping and when you purchase something the zip code related to that card is recorded and there are many occasions that an out of the area member is found shopping at other out of their area warehouses. Kirsten stated that he and his family shop at the Costco in Stockton as do other families from Lodi, so this should help to bring those tax dollars back to our town.
- Commissioner Heinritz asked if the numbers of how many shoppers from the 95240 area shop at the Stockton store. Mr. Babcock stated that he does not have access to those numbers.
- Commissioner Hennecke asked if this store is likely to bring in customers from outside the immediate area. Mr. Babcock stated that it is projected to serve not only Lodi, but the surrounding area.
- Chair Cummins asked how many new stores that are being built or in the planning stages of being built in California. Mr. Babcock stated that this is the only store currently being built in northern California.
- Commissioner Olson stated her concerns over the amount of asphalt and would like to here more about the areas that are being addressed in regards to sustainability. Mr. Babcock stated that the lighting inside the store is being supplemented with skylights and the heating and cooling are regulated very closely with very sophisticated controls. Landscaping is a major part of the project that will help to deflect heat from the outside to inside. This all lends a hand in reducing the energy consumption of the building.
- Commissioner Hennecke asked if there will be any additional items such as solar panels being used on the project. Mr. Babcock stated that with the amount of skylights that are proposed with this project it would be unbeneficial to cover them up with solar panels.
- Melissa and Charles Katzakian, owners of the Morse-Skinner Ranch, came forward to object to the project. The project is relying on the 2006 project description and EIR. The developer has failed to comply with mitigations which require protection of the historical property, Morse/Skinner Ranch, via conversion to commercial use. Condition number five of the resolution has not been met because of the residential use of our property being surrounded by the commercial development with this project and future projects to the site. As part of the City's Resolution 2006-162 which approved the original project states that the project would adaptively reuse the Morse-Skinner Ranch and water tower, but to date this has not happened. There has not been an EIR analysis to consider the incompatibility of the continued residential land use of our property. Mrs. Katzakian does not believe that this project can be approved until a supplemental EIR has been done to take in to account the residential use of the property.
- Kathy Curley, property owner on Harney Lane directly north of the project, came forward to request clarification on the timeline of the project being finished and the improvements made to Harney Lane. Mr. Bartlam stated that the questions will be addressed once the public hearing is closed to the public.

Public Portion of Hearing Closed

- Director Sandlin stated that there are two different improvement projects that are scheduled to occur prior to the opening of the first use at the Reynolds Ranch Project. The four lane widening generally between Stockton Street and just east of the driveway entering the project site. The second improvement project which is being processed now as an encroachment permit through CalTrans will add turn lane improvements on both ends of the interchange and will also add signalized intersection improvements at the intersections of the existing ramps.

Hearing Re-opened to the Public

- David Babcock came forward to question a few of the conditions in the Resolution.
 - #3 – Costco would like to have an outdoor display area.
 - #15 – While accommodating this condition a few parking spaces may need to be sacrificed. This may limit any expansion requests in the future which would require more parking spaces to be sacrificed. Chair Cummins stated that Costco currently has thirteen more spaces than required. Mr. Babcock stated that that is correct.
 - #21c – The parking lot light fixture height is set at 25 feet; Costco would like to put theirs up at 35 feet.
 - #53 and 55 – These two items talk about specific ADA requirements and the concern is that they may be too specific in their verbiage. ADA requirements are legal requirements that Costco will follow to the legal letter.
- Chair Cummins asked about the parking lot fixtures being increased to a height of 35 feet. Bartlam stated that the 25 foot height is typical of what has been required in the Lodi area. When you get to the 35 foot level there is more light spilling over into the outlining areas.
- Chair Cummins asked for clarification on what the request is on outside storage. Babcock stated that he would like to be able to take care of the occasional outside displays on an administrative level. Cummins asked if the concern on condition number 53 and 55 was with the specific language not the requirements to ADA. Mr. Babcock stated that that is correct.
- Commissioner Kiser stated the understanding for wanting the 35 foot high light fixtures but is concerned with the light spilling over into the residential windows at night. Mr. Babcock stated that every precaution would be taken to ensure that light would not be spilling over into the surrounding residential areas. Kiser asked if staff prefers the 25 foot standard. Bartlam stated that the recommendation is at the 25 foot level because staff feels that is adequate.
- Commissioner Heinitz asked about the clarification on the outside storage based on past experiences. Mr. Babcock stated that the outside storage would be on a temporary part-time basis. Heinitz asked if the verbiage regarding the outside storage being on a temporary part-time basis. Mr. Bartlam stated that the condition does not state that there can not be any outdoor storage just that the area for storage needs to be approved by SPARC.
- Commissioner Olson asked if the rest of the center is desirous of having the lighting standards at the 35 foot level. Mr. Babcock stated that yes they are. Mr. Bartlam stated that staff has not had a chance to take a good look at the plans for the rest of the shopping center, but staff will want the lighting to be consistent throughout the center.
- Commissioner Hennecke asked if the outdoor display would be similar to the one at the Stockton store near the tire shop. Mr. Babcock stated that it would. Hennecke asked if there were any special conditions placed on the Lowes outdoor storage. Bartlam stated that Lowes currently has an outdoor storage plan that has been approved by the City.

Public Portion of Hearing Closed

- Director Bartlam stated that there is enough flexibility in condition number 15 to allow for outdoor storage with the plan submitted by Costco. The concerns regarding condition 53 and 55 comes down to the fact that the ADA requirements will have to be met and approved by the Building Division. Condition number 53 can be shortened if it is the desire of the Commission to read:
 - ~~Walkways and sidewalks along accessible routes of travel shall be in compliance (1) continuously accessible, (2) have maximum 1/2" changes in elevation, (3) are minimum 48" in width, (4) have a maximum 1/4" per foot side slope, and (5) where necessary to change elevation at a slope exceeding 5% (i.e., 1:20) shall have ramps complying with 2007 CBC, Section 1133B.5. Where a walk crosses or adjoins a vehicular way, and the walking surfaces are not separated by curbs, railings or other elements between the pedestrian areas and vehicular areas shall be defined by a continuous detectable warning which is 36" wide, complying with the 2007 CBC, Section 1133B.8.5.~~
- Chair Cummins asked for clarification on the language allowing the outdoor storage. Mr. Bartlam stated that the floor plan slide from the PowerPoint which shows the outdoor storage could be added to the resolution as an attachment constituting the approval of the outdoor storage if that is the Commissions desire.
- Commissioner Kiser stated his concerns with the request in increasing the height of the light standards. The Blue Shield project has the light standards at 25 foot.

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kirsten, Kiser second, approved the request of the Planning Commission for a Use Permit to allow the sale of alcoholic beverages and approved the SPARC application concerning the COSTCO Wholesale building located at the SW corner of Harney Lane and Hwy 99 subject to the conditions in the Blue Sheet Resolution with the changes discussed above. The motion carried by the following vote:

Ayes: Commissioners – Heinitz, Hennecke, Kirsten, Kiser, Olson, and Chair Cummins
 Noes: Commissioners – None
 Absent: Commissioners – Mattheis

4. PLANNING MATTERS/FOLLOW-UP ITEMS

None

5. ANNOUNCEMENTS AND CORRESPONDENCE

None

6. ACTIONS OF THE CITY COUNCIL

Director Bartlam referenced the memo in the packet and stated that staff is available for questions.

7. GENERAL PLAN UPDATE/DEVELOPMENT CODE UPDATE

None

8. ACTIONS OF THE SITE PLAN AND ARCHITECTURAL REVIEW COMMITTEE

None

9. ART IN PUBLIC PLACES

None

Continued

10. COMMENTS BY THE PUBLIC

None

11. COMMENTS BY STAFF AND COMMISSIONERS

None

12. ADJOURNMENT

There being no further business to come before the Planning Commission, the meeting was adjourned at 9:37 p.m.

ATTEST:

Konradt Bartlam
Planning Commission Secretary

BRANDT-HAWLEY LAW GROUP

Susan Brandt-Hawley

Chauvet House PO Box 1659
Glen Ellen, California 95442

Legal Assistant
Jeanie Stapleton

February 23, 2010

Mayor Phil Katzakian and
Members of the City Council
c/o Randi Johl, City Clerk
City of Lodi
221 W. Pine Street
Lodi, CA 95240
Cityclerk@lodi.gov

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Subject: Appeal of Planning Commission Action
File No. 09-U-15 and 09-SP-15
Use Permit and SPARC for COSTCO

Dear Honorable Mayor Katzakian and Councilmembers:

On behalf of Charles and Melissa Katzakian, owners of the Historic Morse Skinner Ranch House on the Reynolds Ranch site, and Lodi Tomorrow, I appeal the referenced actions of the Planning Commission taken on February 10, 2010. This is filed within the 10 business day period required by the Municipal Code.

The original Reynolds Ranch approvals were based on a project description that stated in relevant part that "the proposed project would adaptively reuse the Morse Skinner Ranch House and water tower, a significant historic resource listed on the National Register of Historic Places and eligible for listing on the California Register of Historical Resources." The EIR analysis and project approvals always anticipated that the historic site would be adaptively reused in a manner compatible with the big box retail planned for the commercial site, such as a restaurant, following federal standards for rehabilitation and reuse.

Thus, the land use incompatibilities of continued residential use on the Reynolds Ranch site were not anticipated and have never been studied as required by the California Environmental Quality Act.

COSTCO APPEAL

February 23, 2010

Page 2

The bases for this appeal include, among other things, that the COSTCO approvals, including the use permit and SPARC review, require analysis in a supplemental EIR because there are unstudied land use and historic resource incompatibilities with continuing residential use of the Morse Skinner Ranch House. The developers' change of the project to continue residential use rather than to adaptively reuse the Morse Skinner Ranch House has not been approved or subjected to environmental review. The owners of the historic property have requested relocation in light of the imminent development of the large-scale retail. Unless and until that occurs in a manner consistent with the approved project description, the land use incompatibilities require the City to conduct supplemental CEQA review prior to consideration of approval of the COSTCO permits or other retail approvals. Further, the Planning Commission's findings, including that the proposed development will be "acceptable and compatible with surrounding development," are not supported by substantial evidence.

We will provide further evidence and testimony at the appeal hearing.

Thank you.

Sincerely,



Susan Brandt-Hawley

cc: City Attorney Steve Schwabauer
Steve Herum

Comments by the public on non-agenda items

THE TIME ALLOWED PER NON-AGENDA ITEM FOR COMMENTS MADE BY THE PUBLIC IS LIMITED TO FIVE MINUTES.

The City Council cannot deliberate or take any action on a non-agenda item unless there is factual evidence presented to the City Council indicating that the subject brought up by the public does fall into one of the exceptions under Government Code Section 54954.2 in that (a) there is an emergency situation, or (b) the need to take action on the item arose subsequent to the agenda's being posted.

Unless the City Council is presented with this factual evidence, the City Council will refer the matter for review and placement on a future City Council agenda.

Comments by the City Council Members on non-agenda items



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Conduct A Public Hearing to Approve the Draft 2010/11 Action Plan and the Reallocation of Available Funding for the Community Development Block Grant Program.

MEETING DATE: March 17, 2010

PREPARED BY: Community Development Department

RECOMMENDED ACTION: Conduct a public hearing to approve the Draft 2010/11 Action Plan and the reallocation of available funding for the Community Development Block Grant Program.

BACKGROUND INFORMATION: A public hearing is required as part of the federal requirements of the Community Development Block Grant (CDBG) program.

In May 2009, the Council approved the 2009-14 CDBG Consolidated Plan, a five-year plan for identifying and addressing community needs. The Consolidated Plan contains an assessment that defines housing and community development needs for low-income persons and families, as well as a variety of special needs populations, including homeless, elderly, and disabled persons. The needs assessment is based on Census data, other available data sources, and input from community residents and service providers. The second component of the Consolidated Plan is a strategic plan, which lays out the City's method for expending CDBG funds over the five-year period and sets goals and priorities for each type of eligible activity.

The Action Plan is the Consolidated Plan's annual implementing document and provides a detailed description of each activity proposed for the fiscal year, as well as the City's CDBG budget and goals for the fiscal year.

Funding Allocation

It is anticipated that the City will receive \$751,211 in CDBG funds from the federal government for the coming fiscal year, an amount equal to what was received in 2009/10.

In addition to the 2010/11 allocation from HUD, there may be up to \$10,000 in Public Service activity funding remaining at the end of the fiscal year from one or more of the following public service providers:

- Project 09-04 Fair Housing
- Project 09-05 Graffiti Abatement
- Project 09-06 Spay/Neuter Program
- Project 09-08 Second Harvest Food Bank

APPROVED: _____
Blair King, City Manager

Any unused Public Service funds must be reallocated to a project in the coming year. As we will not know the exact amount until the end of the fiscal year, part of Council's action at this time will be to designate a 2010 project to receive any balance of unused public service funds.

Funding and Application Process

The remaining process for allocating the 2010/11 CDBG funding is as follows:

- March 17, 2010 Public Hearing to review draft Action Plan documents.
- April 5 – May 5, 2010 Public review period.
- May 5, 2010 Public Hearing to adopt Final Action Plan documents.
- May 15, 2010 Action Plan due to HUD.

At the completion of an application period that ran from January 13, 2010 to February 10, 2010, the City received a total of 12 applications from community-based organizations (CBO's) requesting a total of \$419,522.

Our review of the applications centered on the rating criteria that focuses on the following areas:

- *Activity Need and Justification.* Activities were evaluated on their ability to address a significant community need and their benefit to very low-income persons.
- *Readiness to Proceed.* Programs and projects were evaluated based on their feasibility of implementation, overall and within the allotted time frame.
- *Cost Reasonableness and Effectiveness.* Budgets were reviewed to determine completeness and reasonableness of all costs related to the request for CDBG funding. Organizations applying for service funding were also evaluated on their ability to become self-sustaining.
- *Activity Management and Implementation.* Applicants were evaluated on experience, administrative capacity, and financial management.
- *Past Performance.* Applicants previously receiving CDBG funds from the City will be evaluated on their reporting and timely expenditure of funds.
- *Matching Contributions.* Consideration was given to the amount of non-CDBG/HOME funds committed to the project.

In 2007, the City Council adopted a CDBG allocation policy that predetermines a set-aside of 60 percent of the CDBG adjusted annual allocation for City projects and services, and 40 percent for CBO projects and services. The distribution of CDBG funding in accordance with that policy is indicated in the following Table.

2010/11 CDBG Allocation	\$ 751,211
20% Program Admin	\$(150,242)
Adjusted Balance Available for Distribution	\$ 600,969
60% Set-aside for City Projects & Services	\$ 360,581
40% Set-aside for CBO Projects & Services	\$ 240,388

HUD Regulations also place a 15 percent cap on the amount of funding that can be allocated to Public Service activities, whether that be by the City or by a CBO. We have a total of \$307,086 requested in Public Services and a Service Cap of \$112,682 for 2010/11.

CDBG Funding Recommendations

For planning and administrative activities, an allocation of \$150,242 (20 percent of the CDBG 2010/11 allocation) is recommended to cover the costs of managing the CDBG Program. Remaining funding recommendations are grouped into the following categories: City projects, City service programs, community-based organization (CBO) projects, and CBO service programs.

Funding recommendations for these four categories are listed below, with additional detail on applicants and recommendations in Exhibit A (Summary/Ranking of 2010/11 Applications Received), Exhibit B (Internal Applications Received), and Exhibit C (City Manager's Recommendations for Funding).

It should be noted that due to the Service Cap, the majority of the CBO requests for public service funding cannot be funded. As there were not sufficient funding requests to cover the CBO set-aside, it is recommended that those funds be used for City projects.

PROGRAM ADMINISTRATION \$150,242

CITY PROJECTS (\$408,956)

- Water Meter Installation Program (\$163,956)
- Van Buskirk Playground Replacement (\$165,000)
- Economic Development – Revolving Loan Program (\$80,000)

CITY SERVICE PROGRAMS (\$82,682)

- Spay/Neuter Program (\$15,000)
- Graffiti Abatement (\$67,682)

CBO CAPITAL PROJECTS (\$79,331)

- 180 Teen Center Expansion (\$34,500)
- HVAC Replacement for Housing Authority – 719 S. Washington (\$29,831)
- Emergency Food Bank Expansion (\$15,000)

CBO SERVICE PROGRAMS (\$30,000)

- San Joaquin Fair Housing – Fair Housing Services (\$20,000)
- Second Harvest Food Bank - Food Assistance Programs (\$10,000)

Next Steps

Upon completion of the initial public hearing, the Draft Action Plan will be available for public review and comment and will be brought back for final approval on May 5, 2010. The adopted Action Plan document must be submitted to HUD no later than May 15, 2010 in order to receive funding beginning July 1, 2010.

FISCAL IMPACT: CDBG are federal funds. Capital improvements allow for maintenance costs to be reduced. Administration costs are paid via a 20 percent set-aside of the grant funds.

FUNDING AVAILABLE: 2010/11 Community Development Block Grant

Jordan Ayers, Deputy City Manager

Konradt Bartlam
Community Development Director

KB/jw

City of Lodi 2010-11 CBO Applications Received

Project - Organization	Rating Score	Project Description	Activity Type	Fund Request
Fair Housing Services San Joaquin Fair Housing	N/A	Provide required fair housing services, including telephone hotline for tenants and landlords, investigation of complaints, and fair housing testing.	Public Service	\$24,691
Food Distribution Programs Second Harvest Food Bank	96	Provide support for the administration of the Food Assistance and Senior Brown Bag Programs.	Public Service	\$10,000
Hope Harbor Shelter Operations Lodi Salvation Army	84	Operating costs for the emergency shelter, food and any additional assistance needed to the homeless and low-income in the community..	Public Service	\$50,000
Mobile Farmer's Market Emergency Food Bank of Greater Stockton	82	Offer a mobile farmer's market once a month in Lodi, which includes distribution of free fruits and vegetables, nutrition education, and cooking demonstrations.	Public Service	\$5,000
Residential Handicap Accessibility Improvements Disability Resource Agency for Independent Living (DRAIL)	73	Funding for accessibility improvements in residences such as entry/exit ramps and lifts, assistive technology (lift chairs, bath lifts, wheelchair carriers and wheelchairs), and repairs to equipment.	Public Service	\$5,000
Meals on Wheels Services SJC Human Services Agency	71	Provide nutritious home-delivered meals to Lodi seniors five days per week.	Public Service	\$33,000
Job Training Program Unity Project	61	Job training and employment program that serves low income, hard to place, economically challenged unemployed, at-risk and homeless persons. Funding would cover operating cost and salary of Project Director.	Public Service	\$12,500
Micro-Enterprise Assistance Program Unity Project	48	The Unity Project Micro-Enterprise Assistance Program (UPMAP) will make short-term, fixed interest rate microloans from \$500 up to \$5,000 to start-up, newly established, and growing small businesses with 5 employees or less.	Public Service	\$50,000
		TOTAL CBO PUBLIC SERVICE FUNDING		\$190,191

City of Lodi 2010-11 CBO Applications Received

Project - Organization	Rating Score	Project Description	Activity Type	Fund Request
Facility Acquisition One-Eighty Teen Center	84	Interior renovations to dwelling at 11 W. Lockeford to accommodate expanded use for youth counseling services.	Public Facility	\$34,500
Phase III Construction Emergency Food Bank	78	Phase III of the Emergency Food Bank's ongoing expansion and modernization of their facilities located at 7 W. Scotts Avenue in Stockton. .	Public Facility	\$15,000
719 S. Washington - HVAC Replacement Housing Authority	75	Replace the existing 15+ year old HVAC systems for the 6-unit affordable housing apartment complex owned and operated by the Housing Authority at 719 S. Washington.	Public Facility	\$29,831
Land Acquisition for Affordable Housing Housing Authority	49	Purchase a 2.8 acre parcel of undeveloped land located on Westgate Drive in Lodi. The Housing Authority will then pursue the development of affordable housing on that site.	Public Facility	\$150,000
TOTAL CBO PROJECT FUNDING				\$229,331

City of Lodi 2010-11 Internal Applications Received

Project - Department	Project Description	Activity Type	Fund Request	Timeliness
Water Meter Replacement Public Works	Provide a grant to very-low and low-income residential property owners to assist with the cost of required water meter installation.	Public Facility	\$120,000	Project would likely start in 2011. Funds would likely be expended by end of 2012.
Van Buskirk Playground Replacement Parks and Recreation	Remove and replace the existing playground equipment and surfacing material to meet current playground regulations.	Public Facility	\$165,000	Funding would be expended by June 30, 2011.
Economic Development - Revolving Loan Program Community Development	Provide funding for the existing Economic Development - RLF Program to facilitate business expansion and job creation to benefit Low- to Moderate-Income persons.	Public Facility	\$80,000	Funding would likely expended by end of 2011.
	TOTAL CITY PROJECTS/PROGRAMS REQUESTED		\$365,000	
Spay and Neuter Program Animal Services	Continue the Spay/Neuter Program that offers free spay/neuter services to feral cats and cats and pit bulls owned by low-income households. Animals are also given a rabies shot if needed.	Public Service	\$25,000	Funding would be expended by June 30, 2011.
Graffiti Abatement Public Works	Abate graffiti on public and private properties in the CDBG target areas.	Public Service	\$91,895	Funding would be expended by June 30, 2011.
	TOTAL CITY SERVICES REQUESTED		\$116,895	

City Manager's Recommendations

2010/11 CDBG Allocation	\$751,211	2010/11 CDBG Allocation	
Program Administration (20%)	(\$150,242)	60% City Set-Aside	40% CBO Set-Aside
Adjusted Balance Available	\$600,969	\$360,581	\$240,388
City Projects	Requested		
Water Meter Installation Program*	\$120,000	\$163,956	
Van Buskirk Playground Replacement	\$165,000	\$165,000	
Econ. Development - RLF Program	\$80,000	\$80,000	
City Service Programs			
Spay/Neuter Program	\$25,000	\$15,000	
Graffiti Abatement	\$91,895	\$67,682	
CBO Projects			
180 Teen Center Expansion	\$34,500		\$34,500
HVAC Replacement - Housing Authority	\$29,831		\$29,831
Emergency Food Bank Expansion P-III	\$15,000		\$15,000
CBO Service Programs			
S.J. Fair Housing - Fair Housing Services	\$24,691		\$20,000
Second Harvest Food Bank - Food Assist.	\$10,000		\$10,000
		\$491,638	\$109,331

*Any unused 2009/10 Public Service Funds to be allocated to the Water Meter Installation Program

RESOLUTION NO. 2010-_____

A RESOLUTION OF THE LODI CITY COUNCIL APPROVING THE
DRAFT ACTION PLAN FOR THE 2010-11 FEDERAL ALLOCATION OF
COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS, AND FURTHER
REALLOCATING AVAILABLE FUNDS FROM PREVIOUS PROGRAM YEAR
=====

WHEREAS, the Department of Housing and Urban Development has determined that the City of Lodi, California, is entitled to Community Development Block Grant (CDBG) as an entitlement community for fiscal year 2010-11 Federal allocation; and

WHEREAS, the City Council of the City of Lodi has been made aware of the amount of the CDBG funds available for the 2010-11 Federal allocation of fiscal program year being approximately \$751,211; and

WHEREAS, the City of Lodi has held, with proper notification, a public hearing at the City Council meeting of March 17, 2010, to receive comments and proposals from the public regarding the projected use of CDBG funds and provided the public with adequate information concerning the amount of funds available for community development activities, the range of eligible activities, and other important requirements; and

WHEREAS, the City of Lodi, California, has received public input regarding the proposed use of CDBG funds; and

WHEREAS, the City Council of the City of Lodi has been made aware of the need to reallocate any unused Public Service CDBG funds at the end of the 2009/10 Program Year to a 2010/11 Project; and

WHEREAS, staff therefore recommends the following reallocation/allocations:

REALLOCATED 2009/10 PUBLIC SERVICE FUNDS

- Water Meter Installation Program

PROGRAM ADMINISTRATION \$150,242

CITY PROJECTS (\$408,956)

- Water Meter Installation Program (\$163,956)
- Van Buskirk Playground Replacement (\$165,000)
- Economic Development – Revolving Loan Program (\$80,000)

CITY SERVICE PROGRAMS (\$82,682)

- Spay/Neuter Program (\$15,000)
- Graffiti Abatement (\$67,682)

CBO CAPITAL PROJECTS (\$79,331)

- 180 Teen Center Expansion (\$34,500)
- HVAC Replacement for Housing Authority – 719 S. Washington (\$29,831)
- Emergency Food Bank Expansion (\$15,000)

CBO SERVICE PROGRAMS (\$30,000)

- San Joaquin Fair Housing – Fair Housing Services (\$20,000)
- Second Harvest Food Bank - Food Assistance Programs (\$10,000)

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lodi does hereby approve the draft Action Plan with the recommended 2010-11 Federal allocations of CDBG funds to the projects recommended by staff in the amount of \$751,211, and the reallocation of any unused Public Service funding in 2009/10 Program Year as indicated above.

Dated: March 17, 2010

=====

I hereby certify that Resolution No. 2010-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held March 17, 2010, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

RANDI JOHL
City Clerk

CITY OF LODI

LEGAL ADVERTISEMENT

ADVERTISING INSTRUCTIONS

SUBJECT: NOTICE OF PUBLIC HEARING FOR DISCUSSION OF POSSIBLE
CDBG APPLICATIONS

PUBLISH (DATES): March 6, 2010

TEAR SHEETS WANTED: 1 EXTRA (ONLY) DELIVER TO: Community
Development Dept.

AFFIDAVIT & BILL TO: Community Development - CDBG
City of Lodi
221 W. Pine Street
Lodi, CA 95241

DATE: March 3, 2010

ORDERED BY: Joseph Wood

TITLE: Neighborhood Services Division Manager

LEGAL NOTICE

NOTICE OF PUBLIC HEARING FOR DISCUSSION OF THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

NOTICE IS HEREBY GIVEN that a public hearing will be held on Wednesday, March 17, 2010 at 7:00 p.m. or as soon thereafter as the matter may be heard, in the Lodi City Council Chambers, 305 West Pine Street, Lodi, CA 95241 in order to consider the Community Development Block Grant (CDBG) Program Action Plan development process and to receive input regarding community needs and funding priorities. The City anticipates receiving approximately \$751,211 in 2010-11.

The CDBG program provides funding for activities that benefit low-income persons, eliminate slum or blight, or serve an urgent need. Eligible activities include property acquisition, public improvements, housing rehabilitation, economic development, and public services.

As a recipient of Community Development Block Grant (CDBG) funding, the City has developed an Action Plan that describes the activities proposed to be funded in 2010-11. The Action Plan generally describes how the City will utilize program funds for eligible activities during the fiscal year. The Action Plan can be amended as needed to reallocate funds to housing and community development activities.

Planning documents will be made available to the public for at least 30 days before adoption by the City Council. The documents are anticipated to be released in April 2010 for public review.

The purpose of this public hearing will be to give citizens an opportunity to make their comments known regarding community needs and potential activities to be funded under the CDBG Program. If you are unable to attend the public hearing, you may direct written comments to the City Clerk, City of Lodi, PO Box 3006, Lodi, CA 95241, or you may telephone (209) 333-6711. In addition, information is available for review at Lodi City Hall (221 West Pine Street) between the hours of 8:00 a.m. and 5:00 p.m. on weekdays.

The City promotes fair housing and makes all its programs available to low- and moderate-income families regardless of age, race, color, religion, sex, national origin, sexual preference, marital status or handicap.

Neighborhood Services Manager
Joseph Wood

Dated: March 6, 2010



DECLARATION OF POSTING

PUBLIC HEARING TO APPROVE DRAFT 2010/11 ACTION PLAN AND THE REALLOCATION OF AVAILABLE FUNDING FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

On Friday, March 5, 2010, in the City of Lodi, San Joaquin County, California, a Notice of Public Hearing to approve Draft 2010/11 Action Plan and the reallocation of available funding the Community Development Block Grant program (attached and marked as Exhibit A) was posted at the following locations:

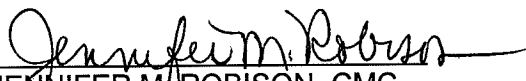
Lodi Public Library
Lodi City Clerk's Office
Lodi City Hall Lobby
Lodi Carnegie Forum

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 5, 2010, at Lodi, California.

ORDERED BY:

**RANDI JOHL
CITY CLERK**


JENNIFER M. ROBISON, CMC
ASSISTANT CITY CLERK

MARIA BECERRA
ADMINISTRATIVE CLERK



**THE CITY OF LODI
COMMUNITY DEVELOPMENT DEPARTMENT
Notice of Public Hearing for Discussion of the Community Development
Block Grant Program**

NOTICE IS HEREBY GIVEN that a public hearing will be held on Wednesday, March 17, 2010 at 7:00 p.m. or as soon thereafter as the matter may be heard, in the Lodi City Council Chambers, 305 West Pine Street, Lodi, CA 95241 in order to consider the Community Development Block Grant (CDBG) Program Consolidated Plan and Action Plan development process and to receive input regarding community needs and funding priorities. The City anticipates receiving approximately \$751,211 in 2010-11.

The CDBG program provides funding for activities that benefit low-income persons, eliminate slum or blight, or serve an urgent need. Eligible activities include property acquisition, public improvements, housing rehabilitation, economic development, and public services.

As a recipient of Community Development Block Grant (CDBG) funding, the City has developed an Action Plan that describes the activities proposed to be funded in 2010-11. The Action Plan generally describes how the City will utilize program funds for eligible activities during the fiscal year. The Action Plan can be amended as needed to reallocate funds to housing and community development activities.

Planning documents will be made available to the public for at least 30 days before adoption by the City Council. The documents are anticipated to be released in April 2010 for public review and comment.

The purpose of this public hearing will be to give citizens an opportunity to make their comments known regarding community needs and potential activities to be funded under the CDBG Program. If you are unable to attend the public hearing, you may direct written comments to the City Clerk, City of Lodi, PO Box 3006, Lodi, CA 95241, or you may telephone (209) 333-6711. In addition, information is available for review at Lodi City Hall (221 West Pine Street) between the hours of 8:00 a.m. and 5:00 p.m. on weekdays.

The City promotes fair housing and makes all its programs available to low- and moderate-income families regardless of age, race, color, religion, sex, national origin, sexual preference, marital status or handicap.



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Public Hearing to Consider Resolution Adopting Federal Fiscal Year 2010 Program of Transit Projects

MEETING DATE: March 17, 2010

PREPARED BY: Public Works Director

RECOMMENDED ACTION: Public hearing to consider a resolution adopting the Federal Fiscal Year 2010 Program of Transit Projects.

BACKGROUND INFORMATION: The City of Lodi is required to hold a public hearing to allow the public an opportunity to comment on the City's transit projects funded by the Federal Transit Administration (FTA). The City of Galt will adopt its own Program of Projects for its portion of the funding. The notice of public hearing addressing Federal Fiscal Year (FFY) 2010 Program of Transit Projects was published in the *Lodi News Sentinel*. For FFY 2010, the program of projects for the City of Lodi is as follows:

FFY 2010 Section 5307 Funds:

Operations for City of Lodi for 2009/10	\$1,334,632
Total	\$1,334,632

ARRA 2 Projects:

Transit Security Automated Fare Boxes	
Purchase and install automated fare boxes, vaults, data collection system, and amenities for transit vehicles and facility	\$ 541,000
Transit Facility Upgrades	
Construct asphalt pavement improvements at CNG fueling station, corporation yard, employee and vehicle storage at the Transit Maintenance Facility and corporation yard	\$ 420,000
Transit Preventive Maintenance	
Provide repairs to vehicles and buildings	\$ 300,000
Transit Operating Assistance	
Dial-A-Ride/VineLine and Fixed Route services and operations cost	\$ 162,000
Transit Facilities Security Systems	
Purchase and install cameras and security fencing at the Transit Maintenance Facility	\$ 100,000

APPROVED: _____
Blair King, City Manager

Transit Bus Stop Shelters, Benches and Amenities	
Purchase and install bus shelters, benches, and other amenities at bus stops	\$ 100,000
Total	\$1,623,000

In cooperation with San Joaquin Council of Government and Caltrans, City staff submitted the above American Recovery and Reinvestment Act (ARRA) 2 or “Jobs for Main Street” projects for funding consideration. Caltrans is currently developing funding estimates for each region. One challenge with these funds is all transit projects will be required to obligate funds within 90 days. Preliminary ARRA 2 Transit (Urbanized Area Section 5307 Formula) apportionments for the City of Lodi are estimated to be similar to last year’s ARRA apportionment.

FISCAL IMPACT: This will allow the City of Lodi to claim and receive FTA funding for the Federal Fiscal Year 2010. These funds will pay for ongoing operations.

FUNDING AVAILABLE: None required.

F. Wally Sandelin
Public Works Director

Prepared by Paula J. Fernandez, Transportation Manager/Senior Traffic Engineer
cc: Supervising Accountant Transportation Manager

RESOLUTION NO. 2010-_____

A RESOLUTION OF THE LODI CITY COUNCIL
ADOPTING THE FEDERAL FISCAL YEAR 2010
PROGRAM OF TRANSIT PROJECTS

=====

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby
adopt the Federal Fiscal Year 2010 Program of Transit Projects as follows:

FFY 2010 Section 5307 Funds:

Operations for City of Lodi for 2009/10	\$1,334,632
Total	\$1,334,632

ARRA 2 Projects:

Transit Security Automated Fare Boxes	\$ 541,000
Transit Facility Upgrades	\$ 420,000
Transit Preventive Maintenance	\$ 300,000
Transit Operating Assistance	\$ 162,000
Transit Facilities Security Systems	\$ 100,000
Transit Bus Stop Shelters, Benches and Amenities	\$ 100,000
Total	\$1,623,000

Dated: March 17, 2010

=====

I hereby certify that Resolution No. 2010-_____ was passed and adopted by the
City Council of the City of Lodi in a regular meeting held March 17, 2010, by the
following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

RANDI JOHL
City Clerk



***Please immediately confirm receipt
of this fax by calling 333-6702***

CITY OF LODI
P. O. BOX 3006
LODI, CALIFORNIA 95241-1910

ADVERTISING INSTRUCTIONS

**SUBJECT: PUBLIC HEARING TO CONSIDER ADOPTING FEDERAL FISCAL
YEAR 2010 PROGRAM OF TRANSIT PROJECTS**

PUBLISH DATE: SATURDAY, FEBRUARY 20, 2010

LEGAL AD

TEAR SHEETS WANTED: One (1) please

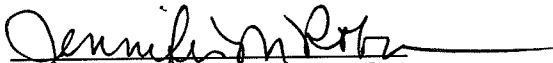
SEND AFFIDAVIT AND BILL TO:

RANDI JOHL, CITY CLERK
City of Lodi
P.O. Box 3006
Lodi, CA 95241-1910

DATED: THURSDAY, FEBRUARY 18, 2010

ORDERED BY:

RANDI JOHL
CITY CLERK


JENNIFER M. ROBISON, CMC
ASSISTANT CITY CLERK

MARIA BECERRA
ADMINISTRATIVE CLERK

Verify Appearance of this Legal in the Newspaper – Copy to File

LNS	Faxed to the Sentinel at 369-1084 at _____ (time) on _____ (date) _____ (pages)
	Phoned to confirm receipt of all pages at _____ (time) _____ CF _____ MB _____ JMP (initials)



DECLARATION OF POSTING

PUBLIC HEARING TO CONSIDER ADOPTING FEDERAL FISCAL YEAR 2010 PROGRAM OF TRANSIT PROJECTS

On Friday, February 19, 2010, in the City of Lodi, San Joaquin County, California, a Notice of Public Hearing to consider adopting Federal Fiscal Year 2010 Program of Transit Projects (attached and marked as Exhibit A) was posted at the following locations:

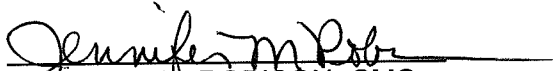
Lodi Public Library
Lodi City Clerk's Office
Lodi City Hall Lobby
Lodi Carnegie Forum

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 17, 2010, at Lodi, California.

ORDERED BY:

**RANDI JOHL
CITY CLERK**


JENNIFER M. ROBISON, CMC
ASSISTANT CITY CLERK

MARIA BECERRA
ADMINISTRATIVE CLERK



CITY OF LODI

Carnegie Forum
305 West Pine Street, Lodi

NOTICE OF PUBLIC HEARING

Date: March 17, 2010

Time: 7:00 p.m.

For information regarding this notice please contact:

Randi Johl

City Clerk

Telephone: (209) 333-6702

EXHIBIT A

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on **Wednesday, March 17, 2010**, at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a public hearing at the Carnegie Forum, 305 West Pine Street, Lodi, to consider the following matter:

a) Adopt Federal Fiscal Year 2010 Program of Transit Projects.

Information regarding this item may be obtained in the Public Works Department, 221 West Pine Street, Lodi, (209) 333-6706. All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk, City Hall, 221 W. Pine Street, 2nd Floor, Lodi, 95240, at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, at or prior to the close of the public hearing.

By Order of the Lodi City Council:

Randi Johl
City Clerk

Dated: February 17, 2010

Approved as to form:

D. Stephen Schwabauer
City Attorney



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Public Hearing to Consider Resolution Approving Contractual Consumer Price Index Based Annual Adjustment to Rates for Solid Waste Collection

MEETING DATE: March 17, 2010

PREPARED BY: Public Works Director

RECOMMENDED ACTION: Public hearing to consider a resolution approving contractual Consumer Price Index based annual adjustment to rates for solid waste collection.

BACKGROUND INFORMATION: The franchise agreement with Central Valley Waste Services states in Section 7b that rates for solid waste collection are to be adjusted annually on April 1 of each anniversary of the agreement.

Section 7c of the franchise agreement states that rates shall be adjusted in a percentage amount equal to 80 percent of the annual change in the Consumer Price Index for all Urban Consumers for San Francisco-Oakland-San Jose, California Area, All Items (1982-84=100). The percent increase in rates based on the CPI change is 0.585 percent. Section 7f of the franchise agreement also states that the contractor may request additional increases due to extraordinary increases in landfill costs. Central Valley Waste Services is asking for an additional increase in rates for increased disposal costs that have risen by 0.493 percent. The total rate increase requested by Central Valley Waste Services is 1.078 percent.

The proposed rates are attached. For most residential customers, the rate increase will be less than 25 cents a month. The effective date of the proposed rates is April 1, 2010.

FISCAL IMPACT: Franchise fees paid to the City will increase by approximately \$12,000 a year.

FUNDING AVAILABLE: Not applicable.

F. Wally Sandelin
Public Works Director

Prepared by Rebecca Areida-Yadav, Management Analyst
FWS/RAY/pmf
Attachments
cc: Central Valley Waste Services
Steve Mann, Information Systems Division Manager

APPROVED:

Blair King, City Manager

CITY OF LODI
MULTI-CART CURBSIDE REFUSE RATES
EFFECTIVE APRIL 1, 2010 THROUGH MARCH 31, 2011

	Current Rate Per Month	New Rate Per Month
<u>1. 35 GALLON REFUSE CART 1X PER WEEK</u>		
1 Refuse Cart	\$ 22.59	\$ 22.83
2 Refuse Carts	\$ 56.41	\$ 57.02
3 Refuse Carts	\$ 90.27	\$ 91.25
4 Refuse Carts	\$ 124.15	\$ 125.49
<u>2. 64 GALLON REFUSE CART 1X PER WEEK</u>		
1 Refuse Cart	\$ 33.96	\$ 34.33
2 Refuse Carts	\$ 84.87	\$ 85.79
3 Refuse Carts	\$ 135.78	\$ 137.24
<u>3. 96 GALLON WASTE CART 1X PER WEEK</u>		
1 Refuse Cart	\$ 74.05	\$ 74.85
2 Refuse Carts	\$ 148.11	\$ 149.71
3 Refuse Carts	\$ 222.16	\$ 224.56
<u>4. DUPLEX AND MULTI-FAMILY, AND MOBILE HOMES</u>		
Monthly rate is reduced one (1) dollar from above base rates	\$ (1.00)	\$ (1.00)
<u>5. LOW VOLUME USER 1X PER WEEK****</u>		
One (1) - 20 Gallon Low Volume Refuse Cart	\$ 15.36	\$ 15.53
<u>6. ADDITIONAL 64 GALLON RECYCLING CARTS</u>		
Second and Third Recycling Cart	No Add'l Charge	No Add'l Charge
Fourth and Each Additional Cart	\$ 12.17	\$ 12.30
<u>7. ADDITIONAL 96 GALLON YARD AND GARDEN CARTS</u>		
Second and Third Yard and Garden Cart	No Add'l Charge	No Add'l Charge
Fourth and Each Additional Yard and Garden Cart	\$ 12.17	\$ 12.30
<u>8. BACK YARD SERVICE****</u>		
Monthly service charge	\$ 12.50	\$ 12.63
Qualified Disabled	No Add'l Charge	No Add'l Charge

Notes:

******Applies to Single Family Dwellings Only**

CITY OF LODI
CONTAINER RATES
EFFECTIVE APRIL 1, 2010 THROUGH MARCH 31, 2011

WEEKLY SERVICE - ONE (1) CUBIC YARD CONTAINER

# OF CONTAINERS	1 X WK	2 X WK	3 X WK	4 X WK	5 X WK	6 X WK
1	\$ 119.29	\$ 221.94	\$ 508.54	\$ 917.77	\$ 1,449.65	\$ 2,104.15
2	\$ 189.54	\$ 345.81	\$ 722.78	\$ 1,246.95	\$ 1,918.28	\$ 2,736.74
3	\$ 259.77	\$ 469.64	\$ 937.02	\$ 1,576.13	\$ 2,386.86	\$ 3,369.30
4	\$ 329.99	\$ 593.47	\$ 1,151.26	\$ 1,905.25	\$ 2,855.47	\$ 4,001.92
5	\$ 400.25	\$ 717.31	\$ 1,365.49	\$ 2,234.45	\$ 3,324.10	\$ 4,634.48
6	\$ 470.48	\$ 841.15	\$ 1,579.72	\$ 2,563.62	\$ 3,792.69	\$ 5,267.06
7	\$ 540.72	\$ 965.03	\$ 1,793.98	\$ 2,892.77	\$ 4,261.31	\$ 5,899.66
8	\$ 610.94	\$ 1,088.84	\$ 2,008.24	\$ 3,221.89	\$ 4,729.90	\$ 6,532.26
9	\$ 681.18	\$ 1,212.71	\$ 2,222.46	\$ 3,551.08	\$ 5,198.55	\$ 7,164.84
10	\$ 751.45	\$ 1,336.55	\$ 2,436.69	\$ 3,880.25	\$ 5,667.14	\$ 7,797.39

WEEKLY SERVICE - TWO (2) CUBIC YARD CONTAINER

# OF CONTAINERS	1 X WK	2 X WK	3 X WK	4 X WK	5 X WK	6 X WK
1	\$ 173.83	\$ 327.63	\$ 677.97	\$ 1,159.30	\$ 1,771.66	\$ 2,515.03
2	\$ 295.19	\$ 550.47	\$ 1,041.50	\$ 1,689.80	\$ 2,495.27	\$ 3,458.00
3	\$ 416.59	\$ 773.28	\$ 1,405.11	\$ 2,220.30	\$ 3,218.90	\$ 4,400.96
4	\$ 537.94	\$ 996.14	\$ 1,768.65	\$ 2,750.78	\$ 3,942.55	\$ 5,343.92
5	\$ 659.38	\$ 1,218.90	\$ 2,132.20	\$ 3,281.28	\$ 4,666.16	\$ 6,286.88
6	\$ 780.76	\$ 1,441.76	\$ 2,495.70	\$ 3,811.77	\$ 5,389.80	\$ 7,229.84
7	\$ 902.17	\$ 1,664.58	\$ 2,859.32	\$ 4,342.26	\$ 6,113.41	\$ 8,172.78
8	\$ 1,023.53	\$ 1,887.42	\$ 3,222.88	\$ 4,872.74	\$ 6,837.04	\$ 9,115.75
9	\$ 1,144.95	\$ 2,110.24	\$ 3,586.42	\$ 5,403.23	\$ 7,559.84	\$ 10,058.71
10	\$ 1,266.34	\$ 2,333.04	\$ 3,949.98	\$ 5,933.71	\$ 8,285.52	\$ 11,001.66

WEEKLY SERVICE - THREE (3) CUBIC YARD CONTAINER

# OF CONTAINERS	1 X WK	2 X WK	3 X WK	4 X WK	5 X WK	6 X WK
1	\$ 221.29	\$ 419.30	\$ 813.78	\$ 1,339.28	\$ 1,995.79	\$ 2,783.33
2	\$ 390.17	\$ 733.76	\$ 1,313.16	\$ 2,049.74	\$ 2,943.56	\$ 3,994.60
3	\$ 559.06	\$ 1,048.25	\$ 1,812.53	\$ 2,760.24	\$ 3,891.32	\$ 5,205.86
4	\$ 727.90	\$ 1,362.70	\$ 2,311.88	\$ 3,470.69	\$ 4,839.11	\$ 6,417.14
5	\$ 896.79	\$ 1,677.19	\$ 2,811.27	\$ 4,181.19	\$ 5,786.93	\$ 7,628.41
6	\$ 1,065.70	\$ 1,991.63	\$ 3,310.63	\$ 4,891.64	\$ 6,734.66	\$ 8,839.67
7	\$ 1,234.55	\$ 2,305.73	\$ 3,810.01	\$ 5,602.10	\$ 7,682.40	\$ 10,050.96
8	\$ 1,403.42	\$ 2,620.57	\$ 4,309.38	\$ 6,312.58	\$ 8,630.21	\$ 11,262.23
9	\$ 1,572.30	\$ 2,935.08	\$ 4,808.77	\$ 7,023.04	\$ 9,577.96	\$ 12,473.50
10	\$ 1,741.18	\$ 3,249.54	\$ 5,308.12	\$ 7,733.52	\$ 10,525.71	\$ 13,684.74

CITY OF LODI
CONTAINER RATES
EFFECTIVE APRIL 1, 2010 THROUGH MARCH 31, 2011

WEEKLY SERVICE - FOUR (4) CUBIC YARD CONTAINER

# OF CONTAINERS	1 X WK	2 X WK	3 X WK	4 X WK	5 X WK	6 X WK
1	\$ 268.80	\$ 510.94	\$ 949.62	\$ 1,519.30	\$ 2,219.97	\$ 3,051.65
2	\$ 485.15	\$ 917.07	\$ 1,584.79	\$ 2,409.73	\$ 3,391.88	\$ 4,531.25
3	\$ 701.51	\$ 1,323.23	\$ 2,220.00	\$ 3,300.23	\$ 4,563.80	\$ 6,010.85
4	\$ 917.89	\$ 1,729.36	\$ 2,855.20	\$ 4,190.69	\$ 5,735.76	\$ 7,490.40
5	\$ 1,134.24	\$ 2,135.48	\$ 3,490.39	\$ 5,081.13	\$ 6,907.69	\$ 8,970.03
6	\$ 1,350.64	\$ 2,541.62	\$ 4,125.60	\$ 5,971.60	\$ 8,079.58	\$ 10,449.60
7	\$ 1,567.03	\$ 2,947.78	\$ 4,760.81	\$ 6,862.06	\$ 9,251.49	\$ 11,929.19
8	\$ 1,783.42	\$ 3,353.90	\$ 5,395.99	\$ 7,752.50	\$ 10,423.44	\$ 13,408.78
9	\$ 1,999.76	\$ 3,760.04	\$ 6,031.19	\$ 8,642.98	\$ 11,595.39	\$ 14,888.38
10	\$ 2,216.18	\$ 4,166.17	\$ 6,666.36	\$ 9,533.42	\$ 12,767.30	\$ 16,367.97

WEEKLY SERVICE - FIVE (5) CUBIC YARD CONTAINER

# OF CONTAINERS	1 X WK	2 X WK	3 X WK	4 X WK	5 X WK	6 X WK
1	\$ 316.28	\$ 602.62	\$ 1,085.44	\$ 1,699.26	\$ 2,444.13	\$ 3,319.95
2	\$ 580.15	\$ 1,100.38	\$ 1,856.48	\$ 2,769.74	\$ 3,840.19	\$ 5,067.85
3	\$ 843.99	\$ 1,598.19	\$ 2,627.50	\$ 3,840.17	\$ 5,236.29	\$ 6,815.81
4	\$ 1,107.87	\$ 2,095.99	\$ 3,398.52	\$ 4,910.63	\$ 6,632.36	\$ 8,563.73
5	\$ 1,371.78	\$ 2,593.80	\$ 4,169.51	\$ 5,981.09	\$ 8,028.43	\$ 10,311.64
6	\$ 1,635.61	\$ 3,091.58	\$ 4,940.56	\$ 7,051.52	\$ 9,424.54	\$ 12,059.53
7	\$ 1,899.52	\$ 3,589.36	\$ 5,711.58	\$ 8,122.00	\$ 10,820.62	\$ 13,807.42
8	\$ 2,163.37	\$ 4,087.15	\$ 6,482.61	\$ 9,192.45	\$ 12,216.68	\$ 15,555.36
9	\$ 2,427.27	\$ 4,584.98	\$ 7,253.61	\$ 10,262.90	\$ 13,612.78	\$ 17,303.27
10	\$ 2,691.13	\$ 5,082.78	\$ 8,024.64	\$ 11,333.34	\$ 15,008.82	\$ 19,051.18

WEEKLY SERVICE - SIX (6) CUBIC YARD CONTAINER

# OF CONTAINERS	1 X WK	2 X WK	3 X WK	4 X WK	5 X WK	6 X WK
1	\$ 363.74	\$ 694.25	\$ 1,221.28	\$ 1,879.26	\$ 2,668.27	\$ 3,588.31
2	\$ 675.11	\$ 1,283.70	\$ 2,128.10	\$ 3,129.69	\$ 4,288.51	\$ 5,604.50
3	\$ 986.47	\$ 1,873.13	\$ 3,034.96	\$ 4,380.12	\$ 5,908.70	\$ 7,620.76
4	\$ 1,297.83	\$ 2,462.58	\$ 3,941.75	\$ 5,630.55	\$ 7,528.95	\$ 9,636.94
5	\$ 1,609.19	\$ 3,052.00	\$ 4,848.60	\$ 6,880.97	\$ 9,149.16	\$ 11,653.17
6	\$ 1,920.53	\$ 3,641.50	\$ 5,755.45	\$ 8,131.42	\$ 10,769.39	\$ 13,669.40
7	\$ 2,231.89	\$ 4,230.95	\$ 6,662.26	\$ 9,381.84	\$ 12,389.63	\$ 15,685.62
8	\$ 2,543.23	\$ 4,820.39	\$ 7,569.12	\$ 10,632.28	\$ 14,009.82	\$ 17,701.82
9	\$ 2,854.59	\$ 5,409.81	\$ 8,475.97	\$ 11,882.72	\$ 15,630.07	\$ 19,718.05
10	\$ 3,165.99	\$ 5,999.25	\$ 9,382.78	\$ 13,133.13	\$ 17,250.29	\$ 21,734.30

CITY OF LODI
10 TO 50 CUBIC YARD CONTAINERS
RATE STRUCTURE

EFFECTIVE APRIL 1, 2010 THROUGH MARCH 31, 2011

	CURRENT RATES	NEW RATES
<u>PERMANENT HIGH FREQUENCY ROLL-OFF RATES</u>		
1. Drop-off and Pick-up Charge Per Box	\$ 156.57	\$ 158.26
2. Weighed Tons Disposed/Box X Processing Charge	\$ 35.26	\$ 35.64
3. Franchise Fee (4.8% of 1+2)	\$ -	\$ -
TOTAL BILL (1+2+3)	<div></div>	

<u>ONE-TIME TEMPORARY USER ROLL-OFF RATES</u>		
1. Drop/off/Pick-up Charge Per Box	\$ 198.70	\$ 200.84
2. Tons Disposed/Box X Processing Charge (Average of five (5) tons charged per Box)	\$ 35.26	\$ 35.64
3. Franchise Fee (4.8% of 1+2)	\$ -	\$ -
TOTAL BILL (1+2+3)	<div></div>	

CITY OF LODI
10 TO 50 CUBIC YARD ROLL OFF* CONTAINERS
COMPACTOR RATE STRUCTURE
EFFECTIVE APRIL 1, 2010 THROUGH MARCH 31, 2011

	CURRENT RATES	NEW RATES
TEMPORARY OR PERMANENT COMMERCIAL COMPACTOR RATES		
1. Drop/off/Pick-up Charge Per Box	\$ 266.25	\$ 269.12
2. Tons Disposed/Box X Processing Charge	\$ 35.26	\$ 35.64
3. Franchise Fee (4.8% of 1+2)	\$ -	\$ -
TOTAL BILL (1+2+3)	<div style="border: 1px solid black; width: 100px; height: 20px;"></div>	

* This charge will be applied to loads that are serviced by "Roll Off" vehicles.

* This charge will be applied per load to self contained compaction containers or containers that attach to a charging unit for the purpose of compaction in sizes on or

RESOLUTION NO. 2010-_____

A RESOLUTION OF THE LODI CITY COUNCIL
APPROVING CONTRACTUAL CONSUMER PRICE
INDEX-BASED ANNUAL ADJUSTMENT TO RATES FOR
SOLID WASTE COLLECTION

=====

WHEREAS, pursuant to Lodi Municipal Code Chapter 13.16.110 (Ordinance No. 1709), the schedule of rates for solid waste collection shall be established and adopted by the City Council from time to time by Resolution; and

WHEREAS, pursuant to Lodi Municipal Code Chapter 13.16 – Solid Waste – as it relates to solid waste collection, new monthly rates are hereby established, as more fully shown on Exhibits A, B, C, and D attached hereto, which is incorporated by reference as if fully set forth herein.

NOW, THEREFORE, BE IT RESOLVED that all of the rate schedules attached marked Exhibit A, B, C, and D shall be effective on all bills which are prepared on or after April 1, 2010; and

BE IT FURTHER RESOLVED that, following adoption, this Resolution shall be published one time in the “Lodi News Sentinel,” a daily newspaper of general circulation printed and published in the City of Lodi.

Dated: March 17, 2010

=====

I hereby certify that Resolution No. 2010-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held March 17, 2010, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

RANDI JOHL
City Clerk

2010-_____

CITY OF LODI
MULTI-CART CURBSIDE REFUSE RATES
EFFECTIVE APRIL 1, 2010 THROUGH MARCH 31, 2011

	Current Rate Per Month	New Rate Per Month
<u>1. 35 GALLON REFUSE CART 1X PER WEEK</u>		
1 Refuse Cart	\$ 22.59	\$ 22.83
2 Refuse Carts	\$ 56.41	\$ 57.02
3 Refuse Carts	\$ 90.27	\$ 91.25
4 Refuse Carts	\$ 124.15	\$ 125.49
<u>2. 64 GALLON REFUSE CART 1X PER WEEK</u>		
1 Refuse Cart	\$ 33.96	\$ 34.33
2 Refuse Carts	\$ 84.87	\$ 85.79
3 Refuse Carts	\$ 135.78	\$ 137.24
<u>3. 96 GALLON WASTE CART 1X PER WEEK</u>		
1 Refuse Cart	\$ 74.05	\$ 74.85
2 Refuse Carts	\$ 148.11	\$ 149.71
3 Refuse Carts	\$ 222.16	\$ 224.56
<u>4. DUPLEX AND MULTI-FAMILY, AND MOBILE HOMES</u>		
Monthly rate is reduced one (1) dollar from above base rates	\$ (1.00)	\$ (1.00)
<u>5. LOW VOLUME USER 1X PER WEEK****</u>		
One (1) - 20 Gallon Low Volume Refuse Cart	\$ 15.36	\$ 15.53
<u>6. ADDITIONAL 64 GALLON RECYCLING CARTS</u>		
Second and Third Recycling Cart	No Add'l Charge	No Add'l Charge
Fourth and Each Additional Cart	\$ 12.17	\$ 12.30
<u>7. ADDITIONAL 96 GALLON YARD AND GARDEN CARTS</u>		
Second and Third Yard and Garden Cart	No Add'l Charge	No Add'l Charge
Fourth and Each Additional Yard and Garden Cart	\$ 12.17	\$ 12.30
<u>8. BACK YARD SERVICE****</u>		
Monthly service charge	\$ 12.50	\$ 12.63
Qualified Disabled	No Add'l Charge	No Add'l Charge

Notes:

******Applies to Single Family Dwellings Only**

CITY OF LODI
CONTAINER RATES
EFFECTIVE APRIL 1, 2010 THROUGH MARCH 31, 2011

WEEKLY SERVICE - ONE (1) CUBIC YARD CONTAINER

# OF CONTAINERS	1 X WK	2 X WK	3 X WK	4 X WK	5 X WK	6 X WK
1	\$ 119.29	\$ 221.94	\$ 508.54	\$ 917.77	\$ 1,449.65	\$ 2,104.15
2	\$ 189.54	\$ 345.81	\$ 722.78	\$ 1,246.95	\$ 1,918.28	\$ 2,736.74
3	\$ 259.77	\$ 469.64	\$ 937.02	\$ 1,576.13	\$ 2,386.86	\$ 3,369.30
4	\$ 329.99	\$ 593.47	\$ 1,151.26	\$ 1,905.25	\$ 2,855.47	\$ 4,001.92
5	\$ 400.25	\$ 717.31	\$ 1,365.49	\$ 2,234.45	\$ 3,324.10	\$ 4,634.48
6	\$ 470.48	\$ 841.15	\$ 1,579.72	\$ 2,563.62	\$ 3,792.69	\$ 5,267.06
7	\$ 540.72	\$ 965.03	\$ 1,793.98	\$ 2,892.77	\$ 4,261.31	\$ 5,899.66
8	\$ 610.94	\$ 1,088.84	\$ 2,008.24	\$ 3,221.89	\$ 4,729.90	\$ 6,532.26
9	\$ 681.18	\$ 1,212.71	\$ 2,222.46	\$ 3,551.08	\$ 5,198.55	\$ 7,164.84
10	\$ 751.45	\$ 1,336.55	\$ 2,436.69	\$ 3,880.25	\$ 5,667.14	\$ 7,797.39

WEEKLY SERVICE - TWO (2) CUBIC YARD CONTAINER

# OF CONTAINERS	1 X WK	2 X WK	3 X WK	4 X WK	5 X WK	6 X WK
1	\$ 173.83	\$ 327.63	\$ 677.97	\$ 1,159.30	\$ 1,771.66	\$ 2,515.03
2	\$ 295.19	\$ 550.47	\$ 1,041.50	\$ 1,689.80	\$ 2,495.27	\$ 3,458.00
3	\$ 416.59	\$ 773.28	\$ 1,405.11	\$ 2,220.30	\$ 3,218.90	\$ 4,400.96
4	\$ 537.94	\$ 996.14	\$ 1,768.65	\$ 2,750.78	\$ 3,942.55	\$ 5,343.92
5	\$ 659.38	\$ 1,218.90	\$ 2,132.20	\$ 3,281.28	\$ 4,666.16	\$ 6,286.88
6	\$ 780.76	\$ 1,441.76	\$ 2,495.70	\$ 3,811.77	\$ 5,389.80	\$ 7,229.84
7	\$ 902.17	\$ 1,664.58	\$ 2,859.32	\$ 4,342.26	\$ 6,113.41	\$ 8,172.78
8	\$ 1,023.53	\$ 1,887.42	\$ 3,222.88	\$ 4,872.74	\$ 6,837.04	\$ 9,115.75
9	\$ 1,144.95	\$ 2,110.24	\$ 3,586.42	\$ 5,403.23	\$ 7,559.84	\$ 10,058.71
10	\$ 1,266.34	\$ 2,333.04	\$ 3,949.98	\$ 5,933.71	\$ 8,285.52	\$ 11,001.66

WEEKLY SERVICE - THREE (3) CUBIC YARD CONTAINER

# OF CONTAINERS	1 X WK	2 X WK	3 X WK	4 X WK	5 X WK	6 X WK
1	\$ 221.29	\$ 419.30	\$ 813.78	\$ 1,339.28	\$ 1,995.79	\$ 2,783.33
2	\$ 390.17	\$ 733.76	\$ 1,313.16	\$ 2,049.74	\$ 2,943.56	\$ 3,994.60
3	\$ 559.06	\$ 1,048.25	\$ 1,812.53	\$ 2,760.24	\$ 3,891.32	\$ 5,205.86
4	\$ 727.90	\$ 1,362.70	\$ 2,311.88	\$ 3,470.69	\$ 4,839.11	\$ 6,417.14
5	\$ 896.79	\$ 1,677.19	\$ 2,811.27	\$ 4,181.19	\$ 5,786.93	\$ 7,628.41
6	\$ 1,065.70	\$ 1,991.63	\$ 3,310.63	\$ 4,891.64	\$ 6,734.66	\$ 8,839.67
7	\$ 1,234.55	\$ 2,305.73	\$ 3,810.01	\$ 5,602.10	\$ 7,682.40	\$ 10,050.96
8	\$ 1,403.42	\$ 2,620.57	\$ 4,309.38	\$ 6,312.58	\$ 8,630.21	\$ 11,262.23
9	\$ 1,572.30	\$ 2,935.08	\$ 4,808.77	\$ 7,023.04	\$ 9,577.96	\$ 12,473.50
10	\$ 1,741.18	\$ 3,249.54	\$ 5,308.12	\$ 7,733.52	\$ 10,525.71	\$ 13,684.74

CITY OF LODI
CONTAINER RATES
EFFECTIVE APRIL 1, 2010 THROUGH MARCH 31, 2011

WEEKLY SERVICE - FOUR (4) CUBIC YARD CONTAINER

# OF CONTAINERS	1 X WK	2 X WK	3 X WK	4 X WK	5 X WK	6 X WK
1	\$ 268.80	\$ 510.94	\$ 949.62	\$ 1,519.30	\$ 2,219.97	\$ 3,051.65
2	\$ 485.15	\$ 917.07	\$ 1,584.79	\$ 2,409.73	\$ 3,391.88	\$ 4,531.25
3	\$ 701.51	\$ 1,323.23	\$ 2,220.00	\$ 3,300.23	\$ 4,563.80	\$ 6,010.85
4	\$ 917.89	\$ 1,729.36	\$ 2,855.20	\$ 4,190.69	\$ 5,735.76	\$ 7,490.40
5	\$ 1,134.24	\$ 2,135.48	\$ 3,490.39	\$ 5,081.13	\$ 6,907.69	\$ 8,970.03
6	\$ 1,350.64	\$ 2,541.62	\$ 4,125.60	\$ 5,971.60	\$ 8,079.58	\$ 10,449.60
7	\$ 1,567.03	\$ 2,947.78	\$ 4,760.81	\$ 6,862.06	\$ 9,251.49	\$ 11,929.19
8	\$ 1,783.42	\$ 3,353.90	\$ 5,395.99	\$ 7,752.50	\$ 10,423.44	\$ 13,408.78
9	\$ 1,999.76	\$ 3,760.04	\$ 6,031.19	\$ 8,642.98	\$ 11,595.39	\$ 14,888.38
10	\$ 2,216.18	\$ 4,166.17	\$ 6,666.36	\$ 9,533.42	\$ 12,767.30	\$ 16,367.97

WEEKLY SERVICE - FIVE (5) CUBIC YARD CONTAINER

# OF CONTAINERS	1 X WK	2 X WK	3 X WK	4 X WK	5 X WK	6 X WK
1	\$ 316.28	\$ 602.62	\$ 1,085.44	\$ 1,699.26	\$ 2,444.13	\$ 3,319.95
2	\$ 580.15	\$ 1,100.38	\$ 1,856.48	\$ 2,769.74	\$ 3,840.19	\$ 5,067.85
3	\$ 843.99	\$ 1,598.19	\$ 2,627.50	\$ 3,840.17	\$ 5,236.29	\$ 6,815.81
4	\$ 1,107.87	\$ 2,095.99	\$ 3,398.52	\$ 4,910.63	\$ 6,632.36	\$ 8,563.73
5	\$ 1,371.78	\$ 2,593.80	\$ 4,169.51	\$ 5,981.09	\$ 8,028.43	\$ 10,311.64
6	\$ 1,635.61	\$ 3,091.58	\$ 4,940.56	\$ 7,051.52	\$ 9,424.54	\$ 12,059.53
7	\$ 1,899.52	\$ 3,589.36	\$ 5,711.58	\$ 8,122.00	\$ 10,820.62	\$ 13,807.42
8	\$ 2,163.37	\$ 4,087.15	\$ 6,482.61	\$ 9,192.45	\$ 12,216.68	\$ 15,555.36
9	\$ 2,427.27	\$ 4,584.98	\$ 7,253.61	\$ 10,262.90	\$ 13,612.78	\$ 17,303.27
10	\$ 2,691.13	\$ 5,082.78	\$ 8,024.64	\$ 11,333.34	\$ 15,008.82	\$ 19,051.18

WEEKLY SERVICE - SIX (6) CUBIC YARD CONTAINER

# OF CONTAINERS	1 X WK	2 X WK	3 X WK	4 X WK	5 X WK	6 X WK
1	\$ 363.74	\$ 694.25	\$ 1,221.28	\$ 1,879.26	\$ 2,668.27	\$ 3,588.31
2	\$ 675.11	\$ 1,283.70	\$ 2,128.10	\$ 3,129.69	\$ 4,288.51	\$ 5,604.50
3	\$ 986.47	\$ 1,873.13	\$ 3,034.96	\$ 4,380.12	\$ 5,908.70	\$ 7,620.76
4	\$ 1,297.83	\$ 2,462.58	\$ 3,941.75	\$ 5,630.55	\$ 7,528.95	\$ 9,636.94
5	\$ 1,609.19	\$ 3,052.00	\$ 4,848.60	\$ 6,880.97	\$ 9,149.16	\$ 11,653.17
6	\$ 1,920.53	\$ 3,641.50	\$ 5,755.45	\$ 8,131.42	\$ 10,769.39	\$ 13,669.40
7	\$ 2,231.89	\$ 4,230.95	\$ 6,662.26	\$ 9,381.84	\$ 12,389.63	\$ 15,685.62
8	\$ 2,543.23	\$ 4,820.39	\$ 7,569.12	\$ 10,632.28	\$ 14,009.82	\$ 17,701.82
9	\$ 2,854.59	\$ 5,409.81	\$ 8,475.97	\$ 11,882.72	\$ 15,630.07	\$ 19,718.05
10	\$ 3,165.99	\$ 5,999.25	\$ 9,382.78	\$ 13,133.13	\$ 17,250.29	\$ 21,734.30

CITY OF LODI
10 TO 50 CUBIC YARD CONTAINERS
RATE STRUCTURE

EFFECTIVE APRIL 1, 2010 THROUGH MARCH 31, 2011

	CURRENT RATES	NEW RATES
<u>PERMANENT HIGH FREQUENCY ROLL-OFF RATES</u>		
1. Drop-off and Pick-up Charge Per Box	\$ 156.57	\$ 158.26
2. Weighed Tons Disposed/Box X Processing Charge	\$ 35.26	\$ 35.64
3. Franchise Fee (4.8% of 1+2)	\$ -	\$ -
TOTAL BILL (1+2+3)	<div></div>	

<u>ONE-TIME TEMPORARY USER ROLL-OFF RATES</u>		
1. Drop/off/Pick-up Charge Per Box	\$ 198.70	\$ 200.84
2. Tons Disposed/Box X Processing Charge (Average of five (5) tons charged per Box)	\$ 35.26	\$ 35.64
3. Franchise Fee (4.8% of 1+2)	\$ -	\$ -
TOTAL BILL (1+2+3)	<div></div>	

CITY OF LODI
10 TO 50 CUBIC YARD ROLL OFF* CONTAINERS
COMPACTOR RATE STRUCTURE
EFFECTIVE APRIL 1, 2010 THROUGH MARCH 31, 2011

	CURRENT RATES	NEW RATES
TEMPORARY OR PERMANENT COMMERCIAL COMPACTOR RATES		
1. Drop/off/Pick-up Charge Per Box	\$ 266.25	\$ 269.12
2. Tons Disposed/Box X Processing Charge	\$ 35.26	\$ 35.64
3. Franchise Fee (4.8% of 1+2)	\$ -	\$ -
 TOTAL BILL (1+2+3)	<div style="border: 1px solid black; width: 100px; height: 20px; margin: 0 auto;"></div>	

* This charge will be applied to loads that are serviced by "Roll Off" vehicles.

* This charge will be applied per load to self contained compaction containers or containers that attach to a charging unit for the purpose of compaction in sizes on or



***Please immediately confirm receipt
of this fax by calling 333-6702***

CITY OF LODI
P. O. BOX 3006
LODI, CALIFORNIA 95241-1910

ADVERTISING INSTRUCTIONS

**SUBJECT: PUBLIC HEARING TO CONSIDER RESOLUTION APPROVING
CONTRACTUAL CONSUMER PRICE INDEX-BASED ANNUAL
ADJUSTMENT TO RATES FOR SOLID WASTE COLLECTION**

PUBLISH DATE: SATURDAY, MARCH 6, 2010

LEGAL AD

TEAR SHEETS WANTED: One (1) please

SEND AFFIDAVIT AND BILL TO: RANDI JOHL, CITY CLERK
City of Lodi
P.O. Box 3006
Lodi, CA 95241-1910

DATED: THURSDAY, MARCH 4, 2010

ORDERED BY: RANDI JOHL
CITY CLERK


JENNIFER M. ROBISON, CMC
ASSISTANT CITY CLERK

MARIA BECERRA
ADMINISTRATIVE CLERK

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DECLARATION OF POSTING

PUBLIC HEARING TO CONSIDER RESOLUTION APPROVING CONTRACTUAL CONSUMER PRICE INDEX-BASED ANNUAL ADJUSTMENT TO RATES FOR SOLID WASTE COLLECTION

On Friday, March 5, 2010, in the City of Lodi, San Joaquin County, California, a Notice of Public Hearing to consider resolution approving contractual Consumer Price Index-based annual adjustment to rates for solid waste collection (attached and marked as Exhibit A) was posted at the following locations:


Lodi Public Library
Lodi City Clerk's Office
Lodi City Hall Lobby
Lodi Carnegie Forum

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 5, 2010, at Lodi, California.

ORDERED BY:

**RANDI JOHL
CITY CLERK**


JENNIFER M. ROBISON, CMC
ASSISTANT CITY CLERK

MARIA BECERRA
ADMINISTRATIVE CLERK



CITY OF LODI

Carnegie Forum
305 West Pine Street, Lodi

NOTICE OF PUBLIC HEARING

Date: March 17, 2010

Time: 7:00 p.m.

For information regarding this notice please contact:

Randi Johl,

City Clerk

Telephone: (209) 333-6702

EXHIBIT A

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on **Wednesday, March 17, 2010**, at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a public hearing at the Carnegie Forum, 305 West Pine Street, Lodi, to consider the following matter:

- a) **Resolution approving contractual Consumer Price Index-based annual adjustment to rates for solid waste collection (as identified on the attached Exhibit A).**

Information regarding this item may be obtained in the Public Works Department, 221 West Pine Street, Lodi, (209) 333-6706. All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk, City Hall, 221 West Pine Street, 2nd Floor, Lodi, 95240, at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

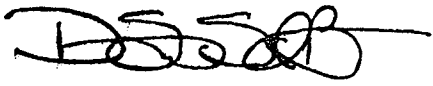
If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, at or prior to the close of the public hearing.

By Order of the Lodi City Council:


Randi Johl
City Clerk

Dated: March 3, 2010

Approved as to form:


D. Stephen Schwabauer
City Attorney

CITY OF LODI

MULTI-CART CURBSIDE REFUSE RATES

EFFECTIVE APRIL 1, 2010 THROUGH MARCH 31, 2011

	Current Rate Per Month	New Rate Per Month
<u>1. 35 GALLON REFUSE CART 1X PER WEEK</u>		
1 Refuse Cart	\$ 22.59	\$ 22.83
2 Refuse Carts	\$ 56.41	\$ 57.02
3 Refuse Carts	\$ 90.27	\$ 91.25
4 Refuse Carts	\$ 124.15	\$ 125.49
<u>2. 64 GALLON REFUSE CART 1X PER WEEK</u>		
1 Refuse Cart	\$ 33.96	\$ 34.33
2 Refuse Carts	\$ 84.87	\$ 85.79
3 Refuse Carts	\$ 135.78	\$ 137.24
<u>3. 96 GALLON WASTE CART 1X PER WEEK</u>		
1 Refuse Cart	\$ 74.05	\$ 74.85
2 Refuse Carts	\$ 148.11	\$ 149.71
3 Refuse Carts	\$ 222.16	\$ 224.56
<u>4. DUPLEX AND MULTI-FAMILY, AND MOBILE HOMES</u>		
Monthly rate is reduced one (1) dollar from above base rates	\$ (1.00)	\$ (1.00)
<u>5. LOW VOLUME USER 1X PER WEEK****</u>		
One (1) - 20 Gallon Low Volume Refuse Cart	\$ 15.36	\$ 15.53
<u>6. ADDITIONAL 64 GALLON RECYCLING CARTS</u>		
Second and Third Recycling Cart	No Add'l Charge	No Add'l Charge
Fourth and Each Additional Cart	\$ 12.17	\$ 12.30
<u>7. ADDITIONAL 96 GALLON YARD AND GARDEN CARTS</u>		
Second and Third Yard and Garden Cart	No Add'l Charge	No Add'l Charge
Fourth and Each Additional Yard and Garden Cart	\$ 12.17	\$ 12.30
<u>8. BACK YARD SERVICE****</u>		
Monthly service charge	\$ 12.50	\$ 12.63
Qualified Disabled	No Add'l Charge	No Add'l Charge

Notes:

****Applies to Single Family Dwellings Only

CITY OF LODI
CONTAINER RATES
EFFECTIVE APRIL 1, 2010 THROUGH MARCH 31, 2011

WEEKLY SERVICE - ONE (1) CUBIC YARD CONTAINER

# OF CONTAINERS	1 X WK	2 X WK	3 X WK	4 X WK	5 X WK	6 X WK
1	\$ 119.29	\$ 221.94	\$ 508.54	\$ 917.77	\$ 1,449.65	\$ 2,104.15
2	\$ 189.54	\$ 345.81	\$ 722.78	\$ 1,246.95	\$ 1,918.28	\$ 2,736.74
3	\$ 259.77	\$ 469.64	\$ 937.02	\$ 1,576.13	\$ 2,386.86	\$ 3,369.30
4	\$ 329.99	\$ 593.47	\$ 1,151.26	\$ 1,905.25	\$ 2,855.47	\$ 4,001.92
5	\$ 400.25	\$ 717.31	\$ 1,365.49	\$ 2,234.45	\$ 3,324.10	\$ 4,634.48
6	\$ 470.48	\$ 841.15	\$ 1,579.72	\$ 2,563.62	\$ 3,792.69	\$ 5,267.06
7	\$ 540.72	\$ 965.03	\$ 1,793.98	\$ 2,892.77	\$ 4,261.31	\$ 5,899.66
8	\$ 610.94	\$ 1,088.84	\$ 2,008.24	\$ 3,221.89	\$ 4,729.90	\$ 6,532.26
9	\$ 681.18	\$ 1,212.71	\$ 2,222.46	\$ 3,551.08	\$ 5,198.55	\$ 7,164.84
10	\$ 751.45	\$ 1,336.55	\$ 2,436.69	\$ 3,880.25	\$ 5,667.14	\$ 7,797.39

WEEKLY SERVICE - TWO (2) CUBIC YARD CONTAINER

# OF CONTAINERS	1 X WK	2 X WK	3 X WK	4 X WK	5 X WK	6 X WK
1	\$ 173.83	\$ 327.63	\$ 677.97	\$ 1,159.30	\$ 1,771.66	\$ 2,515.03
2	\$ 295.19	\$ 550.47	\$ 1,041.50	\$ 1,689.80	\$ 2,495.27	\$ 3,458.00
3	\$ 416.59	\$ 773.28	\$ 1,405.11	\$ 2,220.30	\$ 3,218.90	\$ 4,400.96
4	\$ 537.94	\$ 996.14	\$ 1,768.65	\$ 2,750.78	\$ 3,942.55	\$ 5,343.92
5	\$ 659.38	\$ 1,218.90	\$ 2,132.20	\$ 3,281.28	\$ 4,666.16	\$ 6,286.88
6	\$ 780.76	\$ 1,441.76	\$ 2,495.70	\$ 3,811.77	\$ 5,389.80	\$ 7,229.84
7	\$ 902.17	\$ 1,664.58	\$ 2,859.32	\$ 4,342.26	\$ 6,113.41	\$ 8,172.78
8	\$ 1,023.53	\$ 1,887.42	\$ 3,222.88	\$ 4,872.74	\$ 6,837.04	\$ 9,115.75
9	\$ 1,144.95	\$ 2,110.24	\$ 3,586.42	\$ 5,403.23	\$ 7,559.84	\$ 10,058.71
10	\$ 1,266.34	\$ 2,333.04	\$ 3,949.98	\$ 5,933.71	\$ 8,285.52	\$ 11,001.66

WEEKLY SERVICE - THREE (3) CUBIC YARD CONTAINER

# OF CONTAINERS	1 X WK	2 X WK	3 X WK	4 X WK	5 X WK	6 X WK
1	\$ 221.29	\$ 419.30	\$ 813.78	\$ 1,339.28	\$ 1,995.79	\$ 2,783.33
2	\$ 390.17	\$ 733.76	\$ 1,313.16	\$ 2,049.74	\$ 2,943.56	\$ 3,994.60
3	\$ 559.06	\$ 1,048.25	\$ 1,812.53	\$ 2,760.24	\$ 3,891.32	\$ 5,205.86
4	\$ 727.90	\$ 1,362.70	\$ 2,311.88	\$ 3,470.69	\$ 4,839.11	\$ 6,417.14
5	\$ 896.79	\$ 1,677.19	\$ 2,811.27	\$ 4,181.19	\$ 5,786.93	\$ 7,628.41
6	\$ 1,065.70	\$ 1,991.63	\$ 3,310.63	\$ 4,891.64	\$ 6,734.66	\$ 8,839.67
7	\$ 1,234.55	\$ 2,305.73	\$ 3,810.01	\$ 5,602.10	\$ 7,682.40	\$ 10,050.96
8	\$ 1,403.42	\$ 2,620.57	\$ 4,309.38	\$ 6,312.58	\$ 8,630.21	\$ 11,262.23
9	\$ 1,572.30	\$ 2,935.08	\$ 4,808.77	\$ 7,023.04	\$ 9,577.96	\$ 12,473.50
10	\$ 1,741.18	\$ 3,249.54	\$ 5,308.12	\$ 7,733.52	\$ 10,525.71	\$ 13,684.74

CITY OF LODI
CONTAINER RATES
EFFECTIVE APRIL 1, 2010 THROUGH MARCH 31, 2011

WEEKLY SERVICE - FOUR (4) CUBIC YARD CONTAINER

# OF CONTAINERS	1 X WK	2 X WK	3 X WK	4 X WK	5 X WK	6 X WK
1	\$ 268.80	\$ 510.94	\$ 949.62	\$ 1,519.30	\$ 2,219.97	\$ 3,051.65
2	\$ 485.15	\$ 917.07	\$ 1,584.79	\$ 2,409.73	\$ 3,391.88	\$ 4,531.25
3	\$ 701.51	\$ 1,323.23	\$ 2,220.00	\$ 3,300.23	\$ 4,563.80	\$ 6,010.85
4	\$ 917.89	\$ 1,729.36	\$ 2,855.20	\$ 4,190.69	\$ 5,735.76	\$ 7,490.40
5	\$ 1,134.24	\$ 2,135.48	\$ 3,490.39	\$ 5,081.13	\$ 6,907.69	\$ 8,970.03
6	\$ 1,350.64	\$ 2,541.62	\$ 4,125.60	\$ 5,971.60	\$ 8,079.58	\$ 10,449.60
7	\$ 1,567.03	\$ 2,947.78	\$ 4,760.81	\$ 6,862.06	\$ 9,251.49	\$ 11,929.19
8	\$ 1,783.42	\$ 3,353.90	\$ 5,395.99	\$ 7,752.50	\$ 10,423.44	\$ 13,408.78
9	\$ 1,999.76	\$ 3,760.04	\$ 6,031.19	\$ 8,642.98	\$ 11,595.39	\$ 14,888.38
10	\$ 2,216.18	\$ 4,166.17	\$ 6,666.36	\$ 9,533.42	\$ 12,767.30	\$ 16,367.97

WEEKLY SERVICE - FIVE (5) CUBIC YARD CONTAINER

# OF CONTAINERS	1 X WK	2 X WK	3 X WK	4 X WK	5 X WK	6 X WK
1	\$ 316.28	\$ 602.62	\$ 1,085.44	\$ 1,699.26	\$ 2,444.13	\$ 3,319.95
2	\$ 580.15	\$ 1,100.38	\$ 1,856.48	\$ 2,769.74	\$ 3,840.19	\$ 5,067.85
3	\$ 843.99	\$ 1,598.19	\$ 2,627.50	\$ 3,840.17	\$ 5,236.29	\$ 6,815.81
4	\$ 1,107.87	\$ 2,095.99	\$ 3,398.52	\$ 4,910.63	\$ 6,632.36	\$ 8,563.73
5	\$ 1,371.78	\$ 2,593.80	\$ 4,169.51	\$ 5,981.09	\$ 8,028.43	\$ 10,311.64
6	\$ 1,635.61	\$ 3,091.58	\$ 4,940.56	\$ 7,051.52	\$ 9,424.54	\$ 12,059.53
7	\$ 1,899.52	\$ 3,589.36	\$ 5,711.58	\$ 8,122.00	\$ 10,820.62	\$ 13,807.42
8	\$ 2,163.37	\$ 4,087.15	\$ 6,482.61	\$ 9,192.45	\$ 12,216.68	\$ 15,555.36
9	\$ 2,427.27	\$ 4,584.98	\$ 7,253.61	\$ 10,262.90	\$ 13,612.78	\$ 17,303.27
10	\$ 2,691.13	\$ 5,082.78	\$ 8,024.64	\$ 11,333.34	\$ 15,008.82	\$ 19,051.18

WEEKLY SERVICE - SIX (6) CUBIC YARD CONTAINER

# OF CONTAINERS	1 X WK	2 X WK	3 X WK	4 X WK	5 X WK	6 X WK
1	\$ 363.74	\$ 694.25	\$ 1,221.28	\$ 1,879.26	\$ 2,668.27	\$ 3,588.31
2	\$ 675.11	\$ 1,283.70	\$ 2,128.10	\$ 3,129.69	\$ 4,288.51	\$ 5,604.50
3	\$ 986.47	\$ 1,873.13	\$ 3,034.96	\$ 4,380.12	\$ 5,908.70	\$ 7,620.76
4	\$ 1,297.83	\$ 2,462.58	\$ 3,941.75	\$ 5,630.55	\$ 7,528.95	\$ 9,636.94
5	\$ 1,609.19	\$ 3,052.00	\$ 4,848.60	\$ 6,880.97	\$ 9,149.16	\$ 11,653.17
6	\$ 1,920.53	\$ 3,641.50	\$ 5,755.45	\$ 8,131.42	\$ 10,769.39	\$ 13,669.40
7	\$ 2,231.89	\$ 4,230.95	\$ 6,662.26	\$ 9,381.84	\$ 12,389.63	\$ 15,685.62
8	\$ 2,543.23	\$ 4,820.39	\$ 7,569.12	\$ 10,632.28	\$ 14,009.82	\$ 17,701.82
9	\$ 2,854.59	\$ 5,409.81	\$ 8,475.97	\$ 11,882.72	\$ 15,630.07	\$ 19,718.05
10	\$ 3,165.99	\$ 5,999.25	\$ 9,382.78	\$ 13,133.13	\$ 17,250.29	\$ 21,734.30

CITY OF LODI
10 TO 50 CUBIC YARD CONTAINERS
RATE STRUCTURE

EFFECTIVE APRIL 1, 2010 THROUGH MARCH 31, 2011

	CURRENT RATES	NEW RATES
<u>PERMANENT HIGH FREQUENCY ROLL-OFF RATES</u>		
1. Drop-off and Pick-up Charge Per Box	\$ 156.57	\$ 158.26
2. Weighed Tons Disposed/Box X Processing Charge	\$ 35.26	\$ 35.64
3. Franchise Fee (4.8% of 1+2)	\$ -	\$ -
TOTAL BILL (1+2+3)	<div style="border: 1px solid black; width: 100px; height: 1.2em;"></div>	

<u>ONE-TIME TEMPORARY USER ROLL-OFF RATES</u>		
1. Drop/off/Pick-up Charge Per Box	\$ 198.70	\$ 200.84
2. Tons Disposed/Box X Processing Charge (Average of five (5) tons charged per Box)	\$ 35.26	\$ 35.64
3. Franchise Fee (4.8% of 1+2)	\$ -	\$ -
TOTAL BILL (1+2+3)	<div style="border: 1px solid black; width: 100px; height: 1.2em;"></div>	

CITY OF LODI
10 TO 50 CUBIC YARD ROLL OFF* CONTAINERS
COMPACTOR RATE STRUCTURE
EFFECTIVE APRIL 1, 2010 THROUGH MARCH 31, 2011

	<u>CURRENT RATES</u>	<u>NEW RATES</u>
TEMPORARY OR PERMANENT COMMERCIAL COMPACTOR RATES		
1. Drop/off/Pick-up Charge Per Box	\$ 266.25	\$ 269.12
2. Tons Disposed/Box X Processing Charge	\$ 35.26	\$ 35.64
3. Franchise Fee (4.8% of 1+2)	\$ -	\$ -
TOTAL BILL (1+2+3)	<div style="border: 1px solid black; width: 100px; height: 1.2em; margin: 0 auto;"></div>	

* This charge will be applied to loads that are serviced by "Roll Off" vehicles.

* This charge will be applied per load to self contained compaction containers or containers that attach to a charging unit for the purpose of compaction in sizes on or



CITY OF LODI COUNCIL COMMUNICATION

AGENDA ITEM I-02a

AGENDA TITLE: Appointments to Lodi Animal Advisory Commission and Lodi Improvement Committee

MEETING DATE: March 17, 2010

PREPARED BY: City Clerk

RECOMMENDED ACTION: Concur with the Mayor's recommended appointments to the Lodi Animal Advisory Commission and Lodi Improvement Committee.

BACKGROUND INFORMATION: On January 20, 2010, the City Council directed the City Clerk to post for various expiring terms and vacancies. The Mayor reviewed the applications and recommends that the City Council concur with the following appointments. The remaining vacancy on the Lodi Animal Advisory Commission will continue to remain open until filled.

Lodi Animal Advisory Commission

Dan Phillips Term to expire December 31, 2012

NOTE: One applicant (one new application); posting 10/21/09 and 1/20/10; application deadline – open until filled

Lodi Improvement Committee

Sunil Yadav Term to expire March 1, 2013

NOTE: Four applicants (one seeking reappointment, one new application, and two applications on file); posting 1/20/10; application deadline 2/22/10

Government Code Section 54970 et seq. requires that the City Clerk post for vacancies to allow citizens interested in serving to submit an application.

FISCAL IMPACT: None.

FUNDING AVAILABLE: None required.

Randi Johl
City Clerk

RJ/JMR

APPROVED: _____
Blair King, City Manager



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CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Post for Two Vacancies on the Lodi Arts Commission

MEETING DATE: March 17, 2010

PREPARED BY: City Clerk

RECOMMENDED ACTION: Direct the City Clerk to post for two vacancies on the Lodi Arts Commission.

BACKGROUND INFORMATION: The City Clerk's Office received notification of resignation from Lodi Arts Commissioners Kathi Medford and Margaret Talbot. Government Code Section 54970 et seq., requires that the City Clerk post for vacancies to allow citizens interested in serving to submit an application; therefore, it is recommended that the City Council direct the City Clerk to post for the vacancies shown below.

Lodi Arts Commission

Kathi Medford	Term to expire July 1, 2011
Margaret Talbot	Term to expire July 1, 2011

FISCAL IMPACT: None.

FUNDING AVAILABLE: None required.

Randi Johl
City Clerk

RJ/JMR

APPROVED: _____
Blair King, City Manager



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Receive Report Concerning Downtown Directional Sign Program and Provide Direction and Action as Appropriate

MEETING DATE: March 17, 2010

PREPARED BY: City Manager

RECOMMENDED ACTION: Receive report concerning downtown directional sign program and provide direction and action as appropriate.

BACKGROUND INFORMATION: One of the actions stemming from the October 16, 2009 Downtown Summit was consideration of a directional sign program to guide visitors to Downtown Lodi. Attendees at the Downtown Summit received a presentation by directional sign expert Simon Andrews on the use of directional signs as an economic development tool. When breakout groups were asked to prioritize tasks for downtown development, it was unanimous that a directional sign program should be a priority.

Over \$15 million has been invested in public improvements downtown. Lodi has successfully worked to make downtown vibrant and has adopted policies to encourage its development. California's leading urban planning publication the *California Planning and Development Report* named Downtown Lodi one of the best small-city downtowns in California (www.cp-dr.com/node/1934; Bill Fulton, Publisher). Yet, downtown is difficult to find. It is not located near a major highway and is hard for a first-time visitor to find. Consequentially, an unknown number of tourists who come to Lodi as a result of the investment of resources in tourism, promotion, and wine tourism never find downtown. A directional sign program would help bring these tourists downtown.

A directional sign program (also known as a Way-Finding Sign System) typically consists of design, placement, construction, and maintenance. It is a common economic development tool. In order to provide background, representatives from the City of Merced have agreed to share their experience with developing a directional sign program and will offer a short presentation at the Council Meeting.

In addition to Merced, staff has reviewed other cities' directional sign program. In January, the City of Tracy approved a contract with a consultant to develop a "multi-level signage/wayfinding system". Tracy's contract for professional services was a not to exceed amount of \$75,000 and the Council appropriated another \$360,000 for sign fabrication and installation.

The cost and resources for a sign program may be the key issue at this time. Although the amount that Tracy plans to spend for its directional sign program seems to be on the high side, a reasonably safe expectation is that this program could cost from \$100,000 and more. Some cities, such as the City of Cerritos, have developed their sign program to promote specific businesses and have asked these businesses to fund the program. The City of Santa Clarita used Business Improvement District funds. Some cities have used redevelopment funds, and a few have used general funds.

APPROVED: _____
Blair King, City Manager

Upon receiving the presentation, the Council should provide a general indication of its desire to proceed and a general approach to funding. The following alternative steps could be taken:

- 1) Direct staff to research funding alternatives, including, but not limited to expanded Business Improvement District funding, shared costs with specific businesses, shared costs with organizations, and Art In Public Places funding.
- 2) Consider working with an established group to develop a downtown directional sign program such as the DLBP or Conference and Visitors Bureau, or form an ad-hoc committee, or have staff further refine the program.
- 3) Solicit for professional services to design and place the signs
- 4) Execute the program.

FISCAL IMPACT: The working assumption is Downtown Lodi is hard for the out-of-town tourist to find. The loss of revenue and the negative financial impact has not been quantified.

The cost of a directional sign program could range from approximately \$100,000 to \$150,000. There are possible funding sources but none are firm.

In the long term, a sign program will direct visitors to Downtown Lodi and increase economic activity and vitality.

Blair King, City Manager



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Approve Water Meter Cost, Extended Payment and Payment Deferral Plan

MEETING DATE: March 17, 2010

PREPARED BY: Public Works Director

RECOMMENDED ACTION: Approve water meter cost, extended payment and payment deferral plan.

BACKGROUND INFORMATION: At the March 2, 2010 Shirtsleeve meeting, the City Council was presented a number of alternative construction schedule, payment, and payment deferral options. The City Council requested additional information be provided relative to extending the construction timeframe by two years and extending the payment deferral timeframe by one or two years. Additionally, the City Council expressed interest in a \$1,200 cap for property owners for installing new meter services and that information also be provided relative to using Community Development Block Grant (CDBG) funds for grants to very low- and low-income property owners.

Staff has performed these additional analyses, and the results are reported below. Based upon staff's review of the results, the following Water Meter Program construction schedule and property owner payment plan is recommended for approval by the City Council. The final City Council action setting usage-based water rates, water meter costs, extended payment option, and payment deferral plan will occur at the close of the Public Hearing scheduled for July 21, 2010.

Recommended Plan

- A. Five-year construction schedule beginning 2011 and ending 2015.
- B. Set cost now for five classes of meter service installations. Costs would be set as follows:
 - 1. Meter and electronic radio transmitter [ERT] (\$300)
 - 2. Meter and ERT installed in an existing nonstandard box (\$450)
 - 3. Replace Rich Box assembly in rear yard (\$1,200)
 - 4. Replace Rich Box assembly in front yard (\$1,100)
 - 5. Install new service and meter assembly from new water main to residence (\$1,200)
- C. Optional lump sum payment by property owners or seven-year payment installment plan (fixed interest rate at City's Investment Portfolio rate – around 1.5 percent).
- D. Lump sum payment period from April 1, 2011 through June 30, 2011.
- E. Payment installments begin for all property owners on July 1, 2011.
- F. Payment assistance program for very low- and low-income property owners.

Five-Year Construction Schedule. The Water Meter Program combines the replacement of 22.5 miles of substandard water transmission mains with the installation of approximately 13,306 water meters. The estimated total cost of construction is \$37,000,000 including design, construction administration, inspection and construction. Funding for construction is coming from infrastructure replacement revenue and water meter charges. Construction will be divided into five approximately equal phases sequenced

APPROVED: _____
Blair King, City Manager

across the community in a northwest to southwest direction. Construction activities will occur from April through October in each year 2011 through 2015.

Previously, a three-year construction timeframe has been at the forefront of discussions with the Council. As presented below, the results of analyses demonstrate that the shortened construction schedule has a negative impact on the cash flow of the Water Capital fund that is partly mitigated by extending the construction timeframe to five years.

Optional Lump Sum or Payment Installments. Exhibit A provides a summary of cost by installation cost, recommended property owner charge by class, and payment installments by class for varying time periods. The six- and seven-year alternatives have been added at City Council's request. The total of all payment installments for the seven-year option is also provided. At the Shirtsleeve meeting, five classes of installation types were reviewed and a diagram of each is provided in Exhibit B. The installation costs vary from \$300 to \$2,000 with an estimated 3,623 properties in the Class 5 category at a cost of \$2,000 each. Results of the water model analysis capping the Class 5 cost at \$1,200 are provided below.

Set Costs Now for Five Installation Classes. Staff recommends that the City Council approve a fixed-cost schedule at the levels presented in Exhibit A for the Water Meter Program. This is a departure from staff's prior recommendation that property owner meter costs be based upon actual construction bids. The recommendation, if approved, will establish equity across all installation classes and simplify the billing and collections process. It is consistent with the methodology incorporated by other communities.

Lump Sum Payments. Canvassing of the 13,306 meter installation locations will be completed by April 1, 2011. By that time, notices will be sent to property owners informing them of their installation class and cost. There will be a 60-day property owner review period and lump sum payments would be accepted through June 30, 2011.

Payment Installments. Payment installments as presented in Exhibit A will be added to the customers' billing (if the property owner) or sent separately to the property owner beginning July 1, 2011 and continue for seven years. Initiating the payment installments at a uniform time and early in the Water Meter Program has a positive impact on the cash flow in the Water Capital fund. Provisions for early retirement of the payment installments will be available. Conversion of a lump sum payment to a payment installment program will not be available. Upon transfer or sale of the property, the payment installment plan will terminate and the balance due will be required to be paid upon notice of service termination.

Payment Assistance Program for Very Low- and Low-Income Property Owners. Staff recommends dedicating CDBG funds to provide grants to at least very low- and possibly low-income property owners receiving a new meter service. The grant program would be initiated this year and grant applications will need to be returned by December 31, 2010 so that property owner eligibility and coverage of the grant program could be determined by the City Council. For example, if eligible grant applications from very low and low income property owners amounted to \$1,500,000 and the work was evenly distributed across the community, the City Council would be asked to commit an average of \$300,000 per year for the next five years. On the other hand, if eligible grant applications amounted to \$3,000,000 and no additional CDBG were available, the City Council might consider funding only the very low-income category and part or none of the low-income category. This decision would be presented to the Council early in 2011 prior to the start of payment installments on July 1, 2011.

Analyses Results. Five different cash flow analyses have been prepared as described in Exhibit C. The fifth alternative resulted from comments at the Shirtsleeve Session and is similar to Alternative 2 but with a five-year construction timeframe. Embedded assumptions in these alternative analyses include:

1. 1-percent rate indexing in the first year and 4-percent rate indexing each of the following nine years.

2. 30 percent of property owners in the Classes 1 and 2 pay lump sum.
3. 10 percent of property owners in Classes 3 through 5 pay lump sum.
4. Payment installments begin in the year of construction for Alternatives 1 through 4 and on July 1, 2011 for Alternative 5.
5. Infrastructure replacement revenue is dedicated to the pipeline replacement (22.5 miles) portion of the water meter program.
6. PCE/TCE cleanup revenues are reserved.

Results of the five analyses are presented in bar chart form in Exhibit D. The results are described below.

Alternative 1. Three-year construction, five-year extended payment plan, payment installments begin in year of construction, and no cap on meter charges – fund deficit occurs over a three-year period with the peak reaching minus \$8.2 million but recovering two years later.

Alternative 2. Three-year construction, five-year extended payment plan, payment installments begin in year of construction, and \$1,200 cap on meter charges – fund deficit occurs over a four-year period (because the water fund is covering the difference between \$2,000 and \$1,200) with the peak reaching minus \$9.3 million and recovering three years later.

Alternative 3. Five-year construction, five-year extended payment plan, payment installments begin in the year of construction, and no cap on meter charges – fund deficit occurs over a three-year period with the peak reaching minus \$4.5 million and recovery occurs a little more than a year later.

Alternative 4. Five-year construction, five-year extended payment plan, payment installments begin in the year of construction, and \$450 cap on meter charges – fund deficit occurs for five years reaching a peak minus \$9.8 million and recovery occurs four years later.

Alternative 5. Five-year construction, seven-year extended payment plan, payment installments begin July 1, 2011, and \$1,200 cap on meter charges – fund deficit occurs for just over three years reaching a peak of minus \$6.5 million with recovery in just over two years.

Alternative 5 is recommended over Alternative 2 if the meter cost is capped because the deficit is smaller with a quicker recovery. Alternative 3 is superior to Alternative 1 if the full meter cost is charged to the property owners and minimizing the size and duration of the deficit is important. Alternative 4 is not recommended unless the construction timeframe was extended to seven years or longer. For all alternatives, fund balance in other sub-funds is sufficient to cover the short-term deficit and the addition of CDBG funds to the program has not been accounted for in the analyses. At this time, staff is not recommending any further exploration of alternative scenarios.

City Council is requested to approve a plan setting water meter costs, the extended payment option and payment deferral as recommended by staff or modified by the City Council.

FISCAL IMPACT: Not applicable.

FUNDING AVAILABLE: Not applicable.

F. Wally Sandelin
Public Works Director

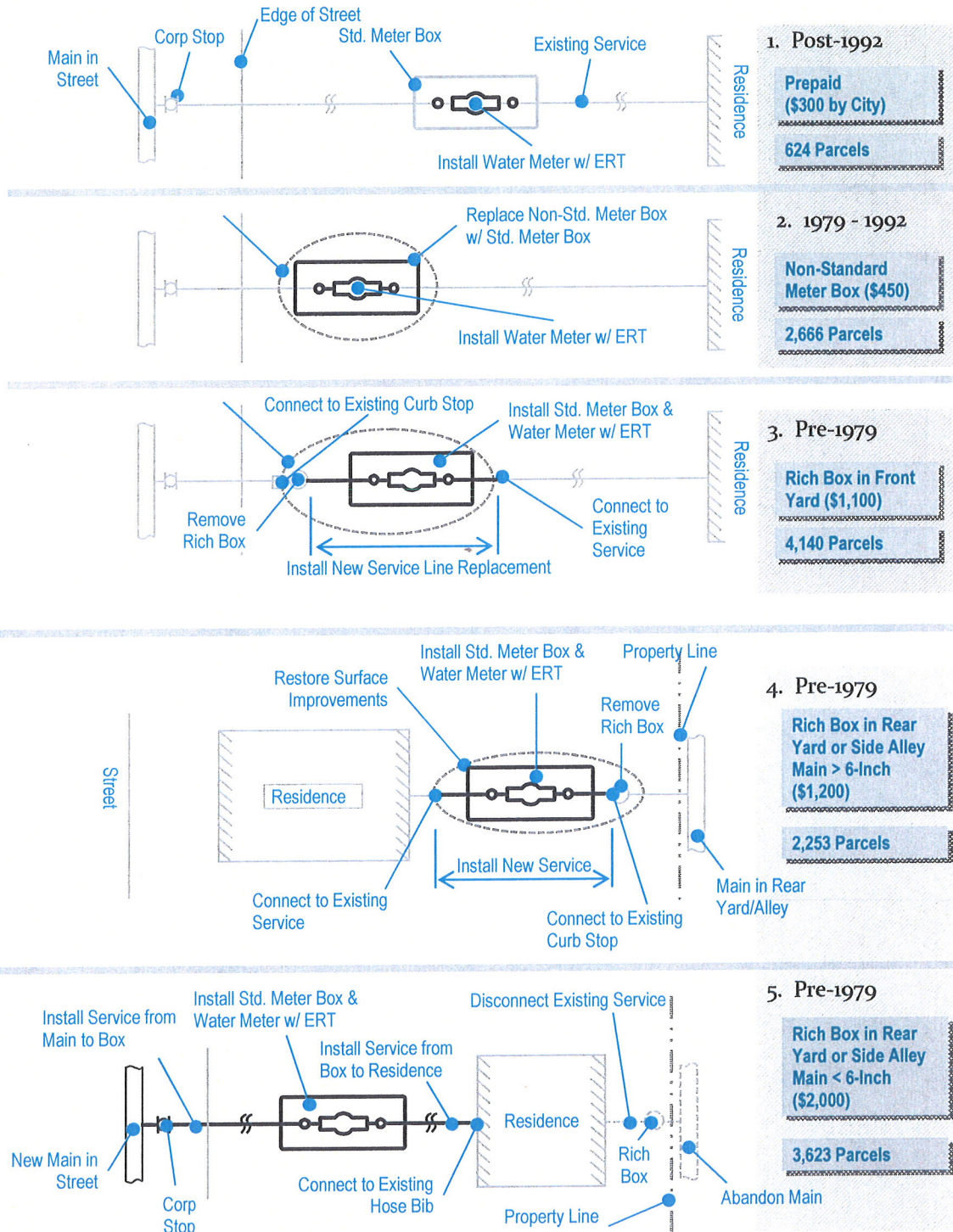
LUMP SUM OR PAYMENT INSTALLMENT ALTERNATIVES

Class	Description	Cost	Recommended Charge	Per Month Payment				Total of Payments
				3-Year	5-Year	6-Year	7-Year	
1	Meter and ERT	\$300	\$300	\$8.53	\$5.19	\$4.36	\$3.76	\$315.84
2	Nonstandard Meter Box	\$450	\$450	\$12.79	\$7.79	\$6.54	\$5.65	\$474.60
3	Rich Box in Front Yard	\$1,100	\$1,100	\$31.27	\$19.04	\$15.99	\$13.80	\$1,159.20
4	Rich Box in Rear Yard	\$1,200	\$1,200	\$34.11	\$20.77	\$17.44	\$15.06	\$1,265.04
5	New Meter Service on New Main	\$2,000	\$1,200	\$34.11	\$20.77	\$17.44	\$15.06	\$1,265.04

↑
Recommended

Installation

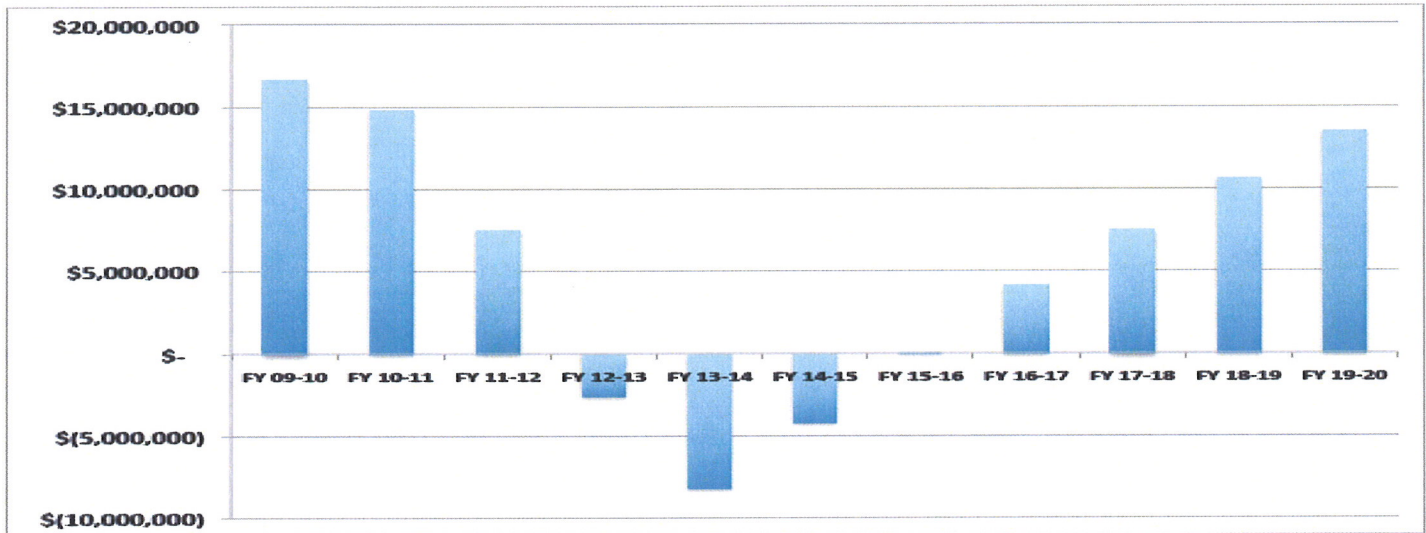
Class



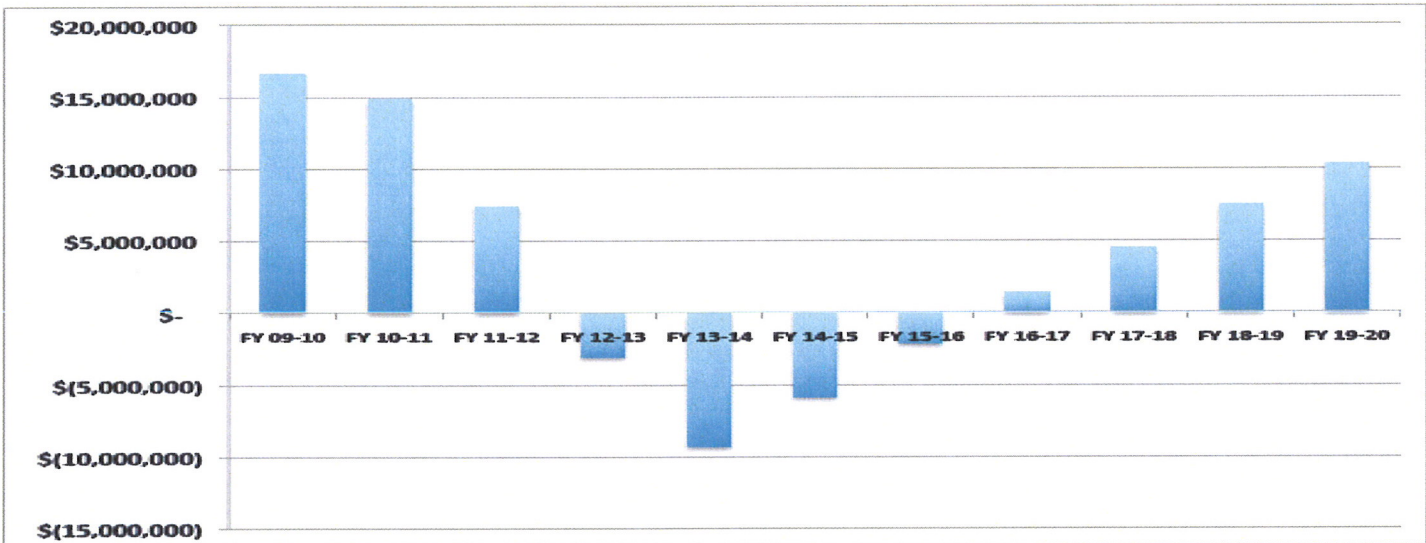
CASH FLOW MODEL ALTERNATIVES

Alternative	Construction Timeframe	Meter Service Cost	Extended Payment Period
1	3 Years	No Cap	5 Years
2	3 Years	\$1,200 Cap	5 Years
3	5 Years	No Cap	5 Years
4	5 Years	\$450 Cap	5 Years
5	5 Years	\$1,200 Cap	7 Years

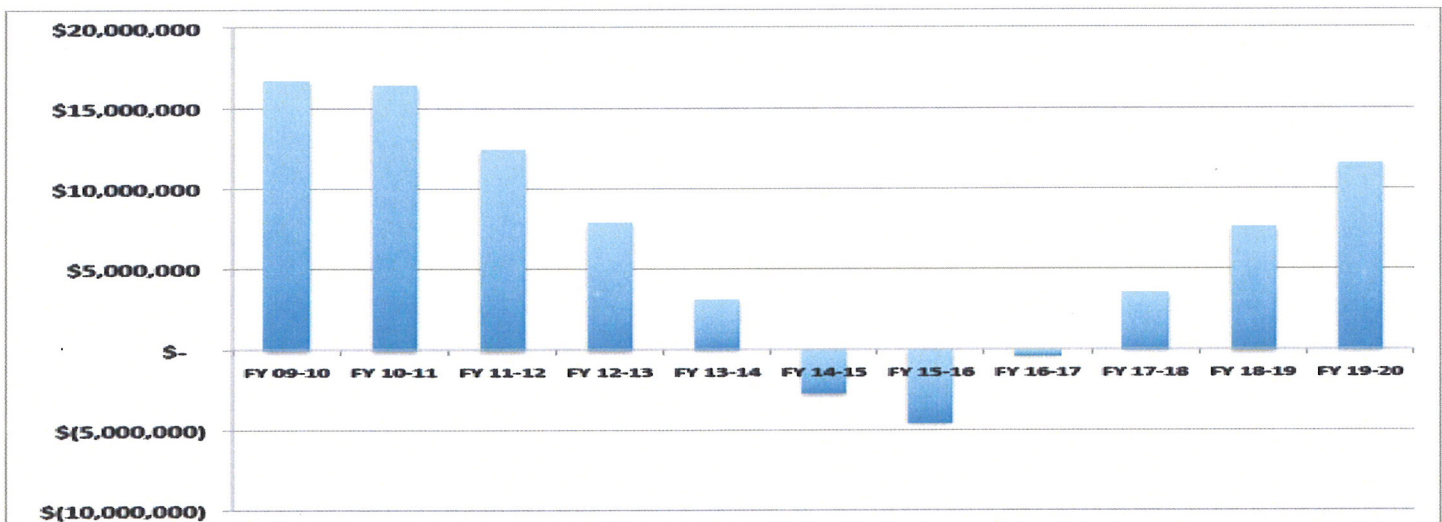
Three-Year Construction, Five-Year Extended Payments, No Cost Cap



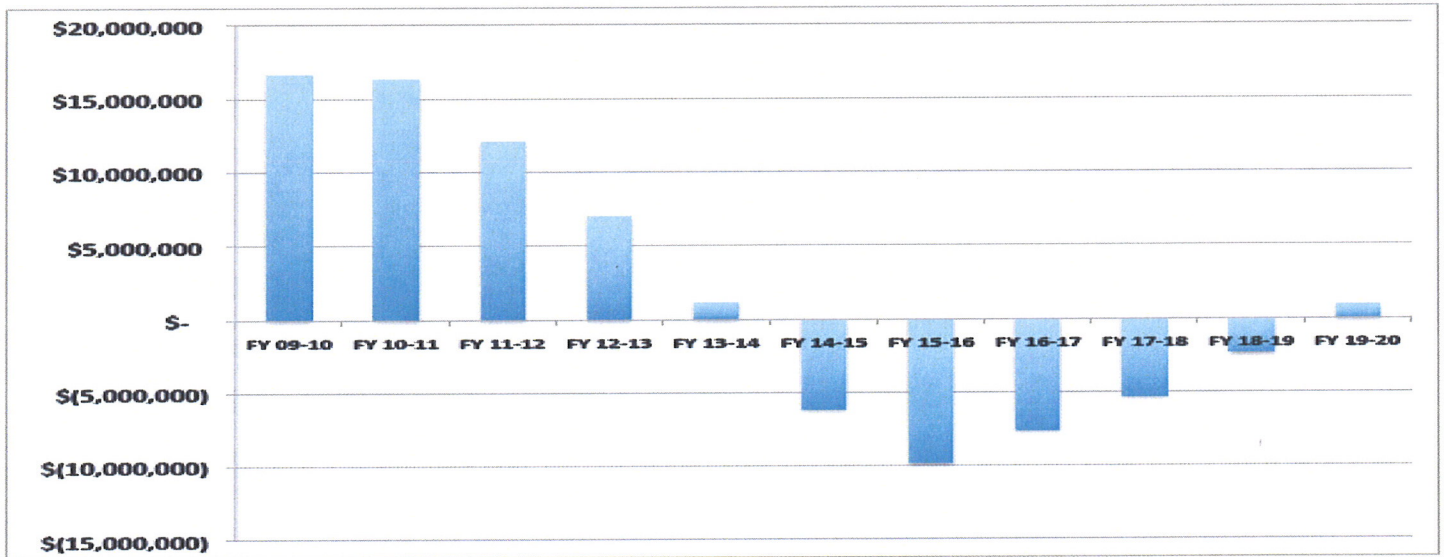
Three-Year Construction, Five-Year Extended Payments, \$1,200 Cost Cap



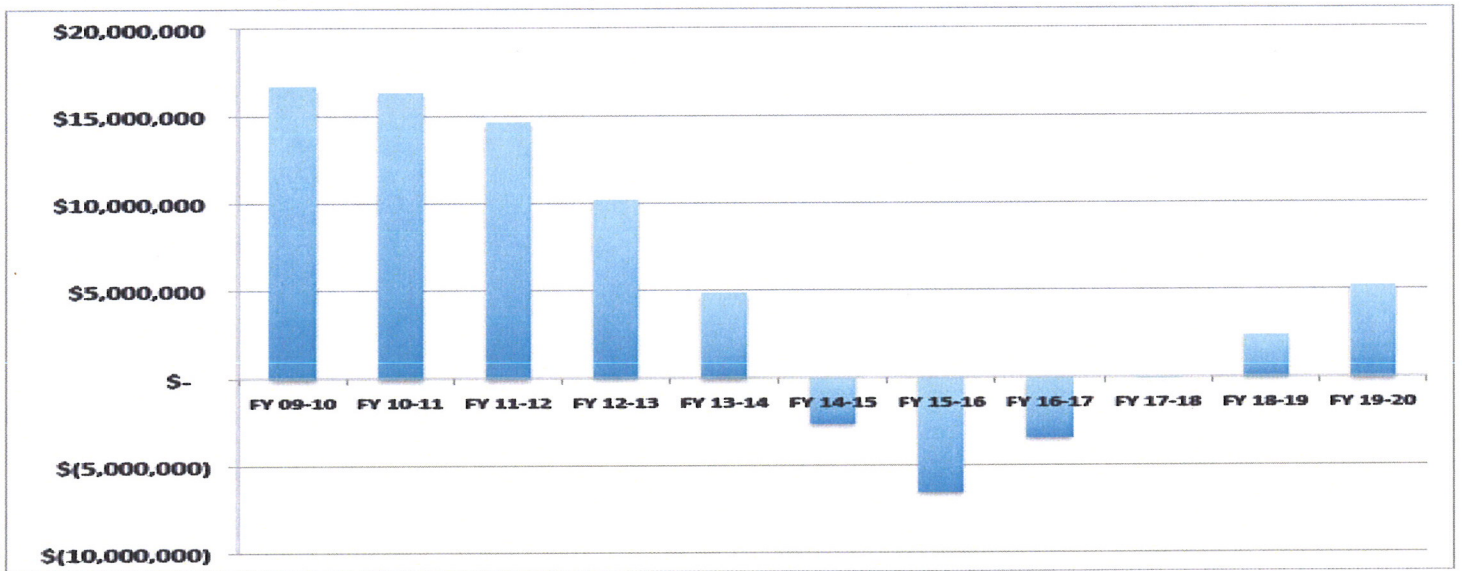
Five-Year Construction, Five-Year Extended Payments, No Cost Cap



Five-Year Construction, Five-Year Extended Payments, \$450 Cost Cap



Five-Year Construction, Seven Year Extended Payments, \$1,200 Cost Cap



RESOLUTION NO. 2010-_____

A RESOLUTION OF THE LODI CITY COUNCIL AUTHORIZING
THE CITY MANAGER TO EXECUTE CONTRACT CHANGE
ORDER FOR WORK RELATED TO PROJECT SCOPE
EXPANSION FOR THE LODI AVENUE RECONSTRUCTION
PROJECT AND FURTHER APPROPRIATING FUNDS

=====

WHEREAS, the Lodi Avenue Reconstruction Project bid award came in \$1,086,089 below the original project estimate, and project items that were removed during pre-design work are being added back into the project because funding is available; and

WHEREAS, items being added include: brick pavers at all crosswalks, brick pavers at the Stockton Street and Central Avenue intersection, repaving Washington Street between Lodi Avenue and Walnut Street, new stamped concrete sidewalk on Central Avenue south of Lodi Avenue to the alley, planter on the northwest corner of Stockton Street, landscape and irrigation at the southeast corner of the Cherokee Lane intersection, decorative signal poles at the Stockton Street intersection, and a Gateway feature at the west side of the intersection of Lodi Avenue and Cherokee Lane; and

WHEREAS, the change order costs have been negotiated with Granite Construction Company, of Watsonville, California, and reviewed by City staff; and

WHEREAS, the requested appropriation includes costs for testing and inspection and contingency funds in case unknown conditions are discovered during the actual installations.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby authorize the City Manager to execute a contract change order with Granite Construction Company, of Watsonville, California, for work related to the project scope expansion for the Lodi Avenue Reconstruction Project; and

BE IT FURTHER RESOLVED that funds in the amount of \$675,000 be appropriated from Measure K funds (\$475,000) and Proposition 42 funds (\$200,000).

Dated: March 17, 2010

=====

I hereby certify that Resolution No. 2010-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held March 17, 2010, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

RANDI JOHL
City Clerk



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Select Gateway Design Feature for Lodi Avenue and Cherokee Lane and Adopt Resolution Authorizing City Manager to Execute a Contract Change Order with Granite Construction Company, of Watsonville, for Work Related to Project Scope Expansion for Lodi Avenue Reconstruction Project and Appropriating \$675,000

MEETING DATE: March 17, 2010

PREPARED BY: Public Works Director

RECOMMENDED ACTION: Select gateway design feature for Lodi Avenue and Cherokee Lane and adopt a resolution authorizing the City Manager to execute a contract change order with Granite Construction Company, of Watsonville, for work related to project scope expansion for the Lodi Avenue Reconstruction Project and appropriating \$675,000.

BACKGROUND INFORMATION: The Lodi Avenue Reconstruction Project bid award came in \$1,086,089 below the original project estimate. Project items that were removed during pre-design work are being added back into the project because funding is available.

Items being added include: brick pavers at all crosswalks, brick pavers at the Stockton Street and Central Avenue intersection, repaving Washington Street between Lodi Avenue and Walnut Street, new stamped concrete sidewalk on Central Avenue south of Lodi Avenue to the alley, planter on the northwest corner of Stockton Street, landscape and irrigation at the southeast corner of the Cherokee Lane intersection, decorative signal poles at the Stockton Street intersection, and a gateway feature at the west side of the intersection of Lodi Avenue and Cherokee Lane.

Two alternative gateway features were provided to the City Council at the January 6, 2010 Council meeting and are attached as Alternative 1 and 2. They were subsequently reviewed by the Lodi Improvement Committee and the Lodi Arts Commission without recommendation. Staff is recommending Alternative 1 due to its lower cost and superior accommodation for truck turning at the Stockton Street/Cherokee Lane intersection. Alternative 1 is estimated to cost \$105,000 and Alternative 2 is estimated to cost \$135,000.

The requested appropriation includes costs for testing and inspection and contingency funds in case unknown conditions are discovered during the actual installations. The change order costs have been negotiated with Granite Construction Company and reviewed by City staff.

FISCAL IMPACT: This work was anticipated in the original project design but was removed due to budget constraints. Final bids were substantially below the original project estimate. The total project cost is estimated to be \$3,194,000.

APPROVED: _____
Blair King, City Manager

Select Gateway Design Feature for Lodi Avenue and Cherokee Lane and Adopt Resolution Authorizing City Manager to Execute a Contract Change Order with Granite Construction Company, of Watsonville, for Work Related to Project Scope Expansion for the Lodi Avenue Reconstruction Project and Appropriating \$675,000
March 17, 2010
Page 2

FUNDING AVAILABLE: The requested appropriation of \$675,000 will be from:
Measure K (325034): \$475,000
Proposition 42 (337): \$200,000

Jordan Ayers
Deputy City Manager/Internal Services Director

F. Wally Sandelin
Public Works Director

Prepared by Gary Wiman, Construction Project Manager

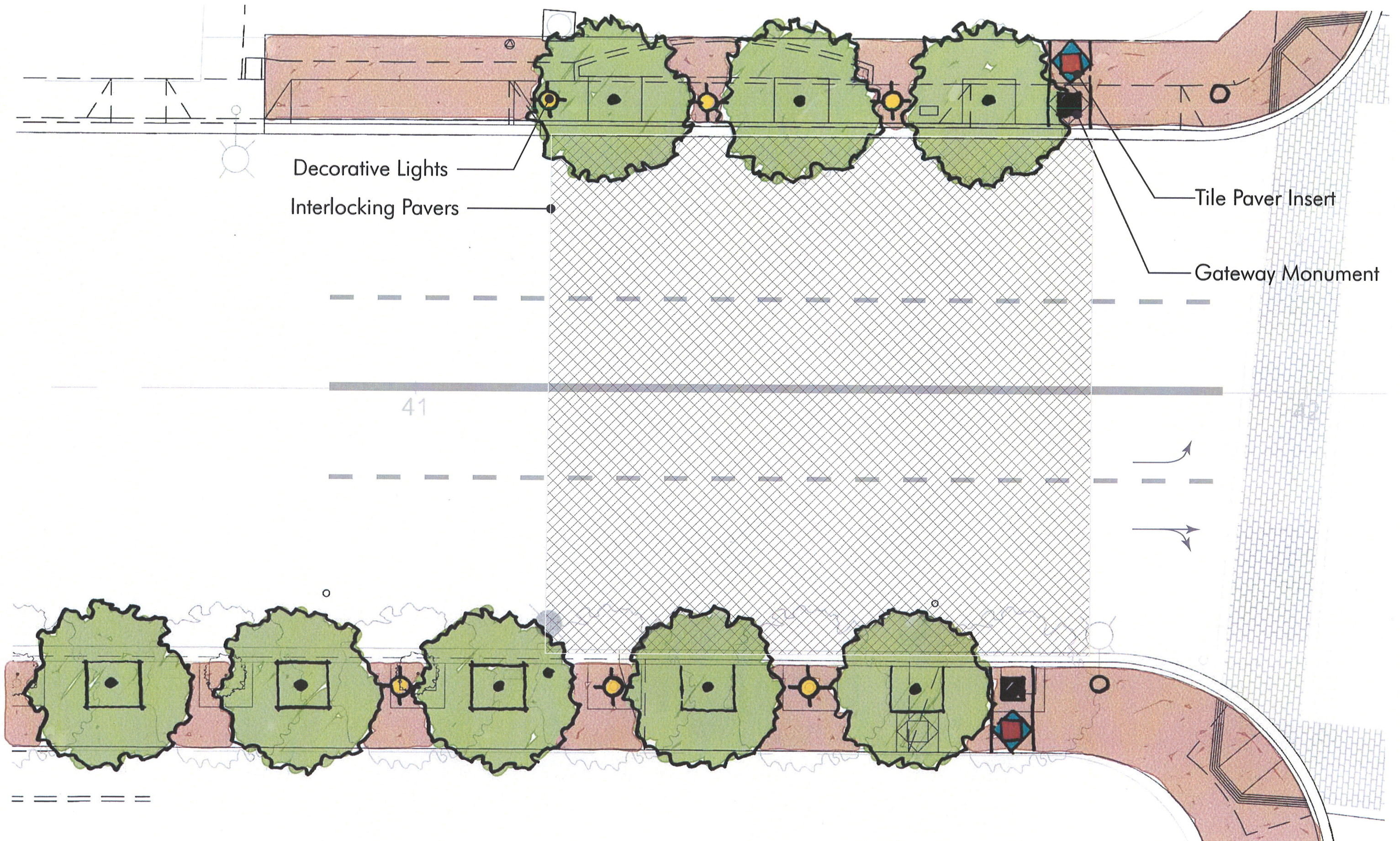
Attachments

FWS/GW/pmf



Lodi Avenue Gateway, Alternative 1- Illustration
City of Lodi, CA

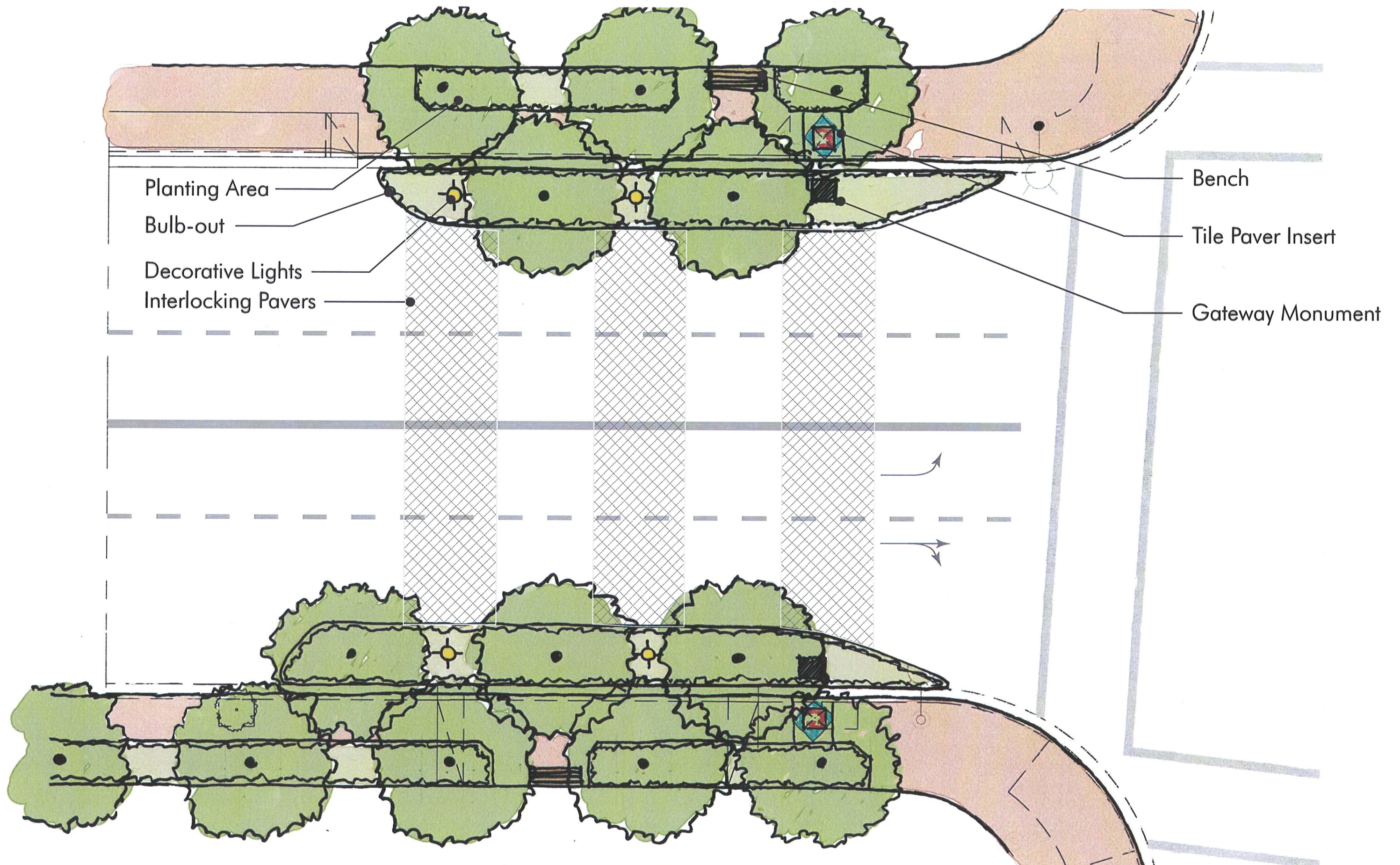
12/22/2009





Lodi Avenue Gateway, Alternative 2- Illustration
City of Lodi, CA

12/22/2009



Lodi Avenue Gateway, Alternate 2
City of Lodi, CA

12/22/2009 0' 5' 10'

RESOLUTION NO. 2010-_____

A RESOLUTION OF THE LODI CITY COUNCIL AUTHORIZING
THE CITY MANAGER TO EXECUTE CONTRACT CHANGE
ORDER FOR WORK RELATED TO PROJECT SCOPE
EXPANSION FOR THE LODI AVENUE RECONSTRUCTION
PROJECT AND FURTHER APPROPRIATING FUNDS

=====

WHEREAS, the Lodi Avenue Reconstruction Project bid award came in \$1,086,089 below the original project estimate, and project items that were removed during pre-design work are being added back into the project because funding is available; and

WHEREAS, items being added include: brick pavers at all crosswalks, brick pavers at the Stockton Street and Central Avenue intersection, repaving Washington Street between Lodi Avenue and Walnut Street, new stamped concrete sidewalk on Central Avenue south of Lodi Avenue to the alley, planter on the northwest corner of Stockton Street, landscape and irrigation at the southeast corner of the Cherokee Lane intersection, decorative signal poles at the Stockton Street intersection, and a Gateway feature at the west side of the intersection of Lodi Avenue and Cherokee Lane; and

WHEREAS, the change order costs have been negotiated with Granite Construction Company, of Watsonville, California, and reviewed by City staff; and

WHEREAS, the requested appropriation includes costs for testing and inspection and contingency funds in case unknown conditions are discovered during the actual installations.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby authorize the City Manager to execute a contract change order with Granite Construction Company, of Watsonville, California, for work related to the project scope expansion for the Lodi Avenue Reconstruction Project; and

BE IT FURTHER RESOLVED that funds in the amount of \$675,000 be appropriated from Measure K funds (\$475,000) and Proposition 42 funds (\$200,000).

Dated: March 17, 2010

=====

I hereby certify that Resolution No. 2010-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held March 17, 2010, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

RANDI JOHL
City Clerk



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Receive a Report on the Response to Comments on the Draft Environmental Impact Report/Environmental Assessment for I-5 Widening from Stockton to Southerly Limits of the White Slough Water Pollution Control Facility

MEETING DATE: March 17, 2010

PREPARED BY: Community Development Director

RECOMMENDED ACTION: Receive a report on the response to comments on the Draft Environmental Impact Report/Environmental Assessment for I-5 Widening from Stockton to southerly limits of the White Slough Water Pollution Control Facility and take appropriate action.

BACKGROUND INFORMATION: This item is being brought to the City Council as an informational item. The Council may want to discuss and provide direction for additional follow up action.

The City Council originally received a report regarding this topic on October 21, 2009. As a result of City Council direction, staff submitted a letter commenting on the Draft Environmental Impact Report (DEIR). As the City Council is aware, comments generated on a DEIR are required to be responded to by the Lead Agency preparing the document. In this case the Lead Agency is the State Department of Transportation (CalTrans).

The Draft Environmental Impact Report/Environmental Assessment analyzes a proposed project that will build freeway and interchange improvements from 0.2 mile south of Charter Way/Martin Luther King Jr. Boulevard to 1.8 miles north of Eight Mile Road in northwest Stockton. The document was prepared by CalTrans. The stated purpose of the project is as follows:

- Reduce traffic congestion and delay on Interstate 5
- Encourage High-Occupancy Vehicle use in the Interstate 5 corridor within the project area
- Improve regional mobility
- Provide a balanced circulation system and reduce out-of-direction travel

As stated in the document, "The project is needed because northwest Stockton has been and is expected to continue experiencing substantial traffic growth, both locally from new area development and regionally from nearby communities such as Sacramento, Lodi, Lathrop, Manteca, and Tracy." The portion of the project which staff is focused on with this review is the new interchange designated as North Gateway Boulevard. This interchange would occur

APPROVED: _____
Blair King, City Manager

approximately 1.8 miles north of Eight Mile Road. The proposed interchange is within the current Stockton General Plan, which abuts the City of Lodi's White Slough property. The document states that the new interchange "would improve local access to Interstate 5, reduce demands at existing interchanges, and connect a planned regional arterial with Interstate 5." The City of Stockton is proposing a new east-west expressway along Stockton's northerly boundary.

The response to the City's comments is attached and segmented into six sections. In the first section, the response basically suggests that inclusion of the interchange is prudent because of the Stockton General Plan, but actual construction will not be part of the project. Further, that the interchange will not be built until development in the area creates the need. Further, it is the position of CalTrans, San Joaquin COG and the City of Stockton that the interchange will "accommodate" growth, not induce it. Finally they suggest that delaying the improvement would be irresponsible and have significant adverse effects on traffic, air quality and quality of life.

The response to our second comment was appropriately dealt with by amending the document. That said, it does call to question the standard of significance that CalTrans uses when assessing impacts to farmlands. While this is the prerogative of the Lead Agency, it is not shared by the City of Lodi.

Staff believes that the response to our third comment is not correct. They contend that the City's White Slough Facility is about ½ mile away from the northernmost portion of the project area. In fact, the definition of the City's facility should include all of the property within the City boundary, not just the physical plant. Based on the description of the project and the exhibits contained in the document, our property abuts improvements contemplated by the project. We contend that there has not been any assessment of impacts that the project may have on our property or its functions. Simply stating that there no impacts are anticipated without providing some fact in the record does not make it so.

With regard to the fourth response, the area is known to be habitat for Giant Garter Snakes. The end result may be as suggested; we believe, however, that the prudent course of action is to follow the requirements of the San Joaquin Multi-Species Habitat Conservation and Open Space Plan and schedule a pre-ground disturbance survey, to be performed by a qualified biologist prior to any permit issuance.

For the response to our fifth comment we would refer to the DEIR Table 2.1 on page 25 which shows all of the approved development in the City of Stockton planning area. It is our understanding that the North Stockton Village and Gateway projects which account for 11,448 residential units on 3,010 acres are within the area of the proposed project. From our perspective this is representative of the future condition. Furthermore, we do not believe that the land use designations in the current San Joaquin County General Plan "accepts or approves" the anticipated project. It is our understanding that the County designation in the area is AG-40, which certainly does not anticipate nearly four dwelling units per acre.

The City appreciates the response to the sixth comment.

Staff is of the opinion that including this interchange within this document is premature. We are being told by CalTrans that the inclusion is warranted because it is in the Stockton 2035 General Plan, but there is no reason to draw the boundaries of the project past Eight Mile Road. We would further contend that the likely timing of this interchange improvement is so far into the future that by the time it is warranted to keep pace with growth, the environmental analysis will be stale and no longer valid. We are told by CalTrans that the development in the area is not approved, but their own document suggests otherwise. Finally, in staff's meeting with the landowner adjacent to the interchange, they contend that their plans have changed and an interchange will not be required.

CalTrans staff has told us that they intend to certify the Final EIR by the end of March. We have been told that we will be notified prior to any actions.

FISCAL IMPACT: Not Applicable

FUNDING AVAILABLE: Not Applicable

Konradt Bartlam
Community Development Director

KB/kjc

Attachment:
Response to Comments Letter

DEPARTMENT OF TRANSPORTATION**DISTRICT 6**

2015 E. Shields Ave.

Fresno, CA 93726

PHONE (559) 287-9320

TTY (559) 488-4066

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FEB 16 2010

COMMUNITY DEVELOPMENT DEPT
CITY OF LODI

February 11, 2010

Mr. Konradt Bartlam
Community Development Director
City of Lodi
City Hall
221 West Pine Street
Lodi, CA 95241-1910

Dear Mr. Bartlam:

Thank you for your letter dated November 11, 2009 regarding the North Stockton Corridor Improvements project. We have responded to your comments from the letter sent and have enclosed both your comments and our responses.

If you have any further questions, please contact either myself or Scott Smith at (559) 243-8223.

Sincerely,

A handwritten signature in black ink, appearing to read "Zachary Parker".

Zachary Parker
Senior Environmental Planner

c: Scott Smith, File

Enclosure: City of Lodi Letter dated 11/11/09, Caltrans Response

CITY COUNCIL

LARRY D. HANSEN, Mayor
PHIL KATZAKIAN,
Mayor Pro Tempore
SUSAN HITCHCOCK
BOB JOHNSON
JOANNE MOUNCE

CITY OF LODI

Community Development Department
CITY HALL, 221 WEST PINE STREET
P.O. BOX 3006
LODI, CALIFORNIA 95241-1910
(209) 333-6714 – Building
(209) 333-6711 – Planning & Neighborhood Services
(209) 333-6842 - Fax
www.lodi.gov

BLAIR KING, City Manager
RANDI JOHL, City Clerk
D. STEPHEN SCHWABAUER
City Attorney

November 11, 2009

Gail Miller
Branch Chief
Central Sierra Environmental Branch
California Department of Transportation
2015 E. Shields Avenue, Suite 100
Fresno, CA 93726

gail_miller@dot.ca.gov

Re: Interstate 5 North Stockton Corridor Improvements
DEIR SCH No. 2008102101

Dear Ms. Miller:

The City of Lodi appreciates the opportunity to review and comment on the Draft Environmental Impact Report for the above referenced project. The project is located along Interstate 5 between 0.2 mile south of Charter Way/Martin Luther King Jr. Boulevard and 1.8 miles north of Eight Mile Road in northwest Stockton, California.

We have reviewed this document for consistency with the California Environmental Quality Act (CEQA) as well as discussed this matter with the Lodi City Council at their meeting on November 4, 2009. As a result of this review we offer the following comments on the report:

Section 2.1.2 Growth The Environmental Impact Report must examine the potential for growth that may occur as a result of the project. Specifically, CEQA Guidelines require that the EIR "discuss the ways in which the proposed project could foster economic or population growth, or construction of additional housing, either directly or indirectly" (CEQA Guidelines §15126.2(d)). The discussion outlined in the document states that "The proposed project would not directly affect growth within the Stockton region or San Joaquin County, but accessibility in the project area would change." Further the document states "Both the 2035 Stockton General Plan and the 2010 San Joaquin General Plan do not project any potential growth as a result of the proposed project; only transportation circulation would improve in the region."

However, the EIR fails to ever even consider the potential that the projected development could not occur. A traffic study is necessary to determine whether the existing and planned infrastructure (absent the highway improvements) could support the growth this project is admittedly designed to serve before any conclusion can be

L-1

drawn that this project is not growth inducing. The EIR does suggest the logical outcome of such study. Figure 1.4 shows no Level of Service issues on the highway in the existing condition. Lodi staff can support that conclusion based on actual highway use. It is not until 2035 that Figure 1.5 finally shows traffic north of Hammer Lane and even farther north of Eight Mile Road reaching Level of Service F. Table 2.23 reflects the expected growth served by the project. According to the conclusions drawn by the EIR, this project will serve the development of over 7,500 acres of farmland with nearly 40,000 residential units.

L-1 cont.

There can be no debate about whether the improvements contemplated are necessary in order for the growth that has been approved as well as the growth contemplated in Stockton. To suggest otherwise would call into question the need for the project. As such, the EIR's failure to consider its potential to foster the growth of north Stockton is fatal to any test of its adequacy.

Section 2.1.3 Farmlands/Timberlands Construction of the project would convert approximately 58 acres of agricultural soils to urban (highway) uses. Most of that impact occurs within the existing right-of-way of Interstate 5 south of Eight Mile Road. According to the California Department of Conservation, approximately five acres of Prime and Unique Farmland is impacted by the project slated north of Eight Mile Road. The document states that the amount of agricultural land to be converted is "negligible" compared to the total amount of farmland in San Joaquin County or in California. We are not aware, nor does the DEIR state what the Department of Transportation's threshold of significance is with regard to this issue, but comparing this loss to the entire State of California is absurd. The fact is that the resulting loss is a significant and irreversible impact under CEQA. Even though mitigation cannot lessen the impact to a less than significant level, mitigation should be proposed which lessens this impact nonetheless. An additional concern related to this discussion is the missing Farmland Conversion Impact Rating form. The discussion within this section refers to Appendix H, which is not included in the document. Further, another part of the document indicates that Appendix G contains this information; however, it is not included there either.

L-2

Sections 2.1.1.2 and 2.1.4 Community Impacts The analysis of community impacts does a fine job in characterizing the urban community that is adjacent to the project boundaries, but fails to mention anything about the community that exists north of Eight Mile Road. Specifically, the document must address the environmental consequence the project may have on the agricultural area in question. Moreover, the document makes no mention of the City of Lodi's White Slough Water Pollution Control Facility which contains 1,014 acres immediately adjacent to the project. Section 2.1.1.2 details how the project is consistent with all surrounding general plans. Again it fails to even reference the City of Lodi General Plan or the proximity of the plan to Lodi's detached annexation a few hundred feet to the north of the North Gateway interchange.

L-3

Section 2.3.5 Threatened and Endangered Species Section 2.3.5 mentions impacts on a number of threatened species including the Giant Garter Snake (GGS). Although figure 2.2c reflects a large new interchange at the new North Gateway Interchange immediately adjacent to Telephone Cut. The GGS analysis fails to reference any loss of GGS habitat other than the .021 acres of aquatic habitat. An interchange cannot serve as GGS habitat given the multiple and compact roadway surfaces that would pose significant hazards to any snakes residing therein. As such at least 2 acres and more likely more acres of habitat will be permanently taken. The EIR proposes no mitigation for the loss of this habitat nor a Statement of Overriding Consideration.

L-4

The EIR's failure to seriously address loss of GGS habitat is compounded by the lack of consideration of cumulative impacts as discussed above. Figure 2.2c's top image shows the existing condition and the bottom condition shows the development fostered by the construction of the freeway interchange, representing hundreds of homes and commercial structures immediately adjacent to Telephone Cut. When combined there must be massive impact on GGS habitat that even the EIR is forced to "presume" is present "[d]ue to the proximity of a known population and availability of suitable habitat...." (p. 175)

L-4 cont.

Section 2.4 Cumulative Impacts As discussed above the EIR fails to consider cumulative impacts in any serious fashion because for every impact acknowledged, the EIR only studies them at the macro level. To say there is no impact to farmland or timberland (as the EIR does at page 189 with no explanation as to how that conclusion is reached) is a relatively simple thing. But to say it with regard to the 7,500 acres in growth it is necessary to make possible is quite another.

Section 2.4's discussion of Visual and Aesthetic impacts on page 189 is another example of the effort that went into this document. The EIR states that the only new landscape features are Otto Drive and North Gateway interchanges. However it concludes that the impact would be minor. A mere reference to figure 2.2c reveals just how facile that conclusion is. The before figure reveals acres of green space and farmland. The after reflects of the same acres subdivided for homes, mini storage and commercial strips. This same flaw flows through every reference in the cumulative impacts section. As such the EIR is defective.

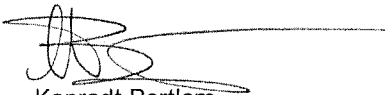
L-5

Finally, I respectfully request timely notice of any and all hearings and staff reports as well as any revisions that may occur concerning this project. We believe that as an adjacent property owner to the project and adjacent Public Agency, we should have received the Notice of Preparation as well as a direct notice of the release and availability of this Draft EIR.

L-6

If you have any questions or would like to discuss these comments in more detail, please do not hesitate to contact me at 209-333-6711 or rbartlam@lodi.gov.

Sincerely,



Konradt Bartlam
Community Development Director
City of Lodi

Cc: City Manager
City Attorney

City of Lodi, Public Agency (November 11, 2009)

Response L-1: The transportation demand for the proposed project is based on the land uses identified in the 2035 City of Stockton General Plan (dated 2006), and the San Joaquin Council of Governments 2007 Regional Transportation Plan. Please see the Interstate 5 North Stockton Interchanges and Mainline Widening Final Traffic Operations Report dated January 2008 which addresses both existing, design year, and final buildout year traffic operations.

Caltrans is doing the design for this interchange as part of the project because, since the interchange is called for in Stockton's general plan, it makes sense to include it with this design package. Actual construction of the proposed interchange will not be part of this project, and will not take place until development in the area creates the need. When that happens, the developers who are building in the area will fund the construction.

The City of Stockton General Plan Environmental Impact Report (dated 2007) provided a program level Environmental Impact Report that analyzed the environmental impacts of land uses and growth inducing impacts in the 2035 City of Stockton General Plan. The 2035 City of Stockton General Plan outlines the land use types, projected traffic demands, and directly references the need for interchanges north of Eight Mile Road, and widening along Interstate 5. The proposed project does not introduce new land uses beyond those discussed in the City of Stockton General Plan Environmental Impact Report, see section 2.1.2 Growth. The proposed project is responding to the future growth demand generated by the General Plan and forecast traffic volumes. Therefore, the proposed project anticipates timing for future development and growth based on regional projections as needed to avoid congestion and to promote better air quality. The proposed project will follow or keep pace with growth, but will not provide the impetus for growth.

It is the position of the City of Stockton, the San Joaquin COG and Caltrans that the proposed freeway widening and interchange improvements are growth accommodating. Recognizing that growth in the City of Stockton is likely to occur based on the projected land uses described in the City of Stockton General Plan Environmental Impact Report, and that a considerable amount of this growth is projected for North Stockton and West Stockton, the forward planning approach to accommodate this growth with planned roadway improvements is the responsibility of the local agencies. To delay these improvements until growth inundates the local and regional circulation network would be irresponsible and would have significant and adverse effects on traffic, air quality, and quality of life.

Response L-2: Correction made: The NRCS form is under Appendix G; references to the NRCS form in the Environmental Impact Report have been corrected and reflect Appendix G, and not Appendix H.

Table 2.2 of the Farmland section describes the project's impacts and compares that with farmland resources in the County. Impacts represent less than .0001 percent of the County's farmland resources. As explained in the text of the Farmland section under Environmental Consequences, a NRCS rating of above 160 would warrant further examination of alternatives to reduce farmland impacts and would require avoidance, minimization, and mitigation measures. Based on the fact that the amount of total acres converted to non-agricultural uses represents less than .0001 percent of the County's total farmland, and that the NRCS rating (83.6) was substantially less than 160, this is substantive evidence that the proposed project will not induce a significant affect on agricultural resources under the CEQA Guidelines. Additionally, any significant farmland impacts that would have been created by this project were addressed programmatically in the City of Stockton 2035 General Plan Environmental Impact Report (2007), which included this project in described land uses.

Response L-3: The Community Impact Assessment (dated March 2009), discusses the process of how community boundaries were delineated, including agricultural areas north of Eight Mile Road. The Environmental Impact Report section on Community Impacts primarily focuses on certain communities in the project area that are directly impacted by the proposed project and which specifically require relocation of residents in those neighborhoods. Agricultural impacts are discussed under Farmland; please see responses L1 and L2. The City of Lodi White Slough Water Pollution Control Facility is about 1/2 mile away from the northernmost portion of the project area. No impacts from the proposed project are anticipated to the Lodi White Slough Water Pollution Control Facility. Open space lands to the north of the Stockton Sphere of Influence for use in spraying or spreading effluent generated by the plant will remain unaffected by the proposed project. The proposed project is not within the boundaries of the City of Lodi, nor within its Sphere of Influence, and this is why no reference is made to the City of Lodi General Plan.

Response L-4: The proposed project has undergone rigorous review by the U.S Fish and Wildlife Service under Section 7 consultation with Caltrans. The project was reviewed under the *Programmatic Biological Opinion on the Effects of Small Highway projects on the Threatened Giant Garter Snake in Butte, Colusa, Glenn, Sacramento, San Joaquin, Solano, Sutter, Yolo and Yuba Counties, California* issued to the Federal Highway

Administration on January 24, 2005. The Programmatic Biological Opinion establishes thresholds for impacts to giant garter snakes as well as standards for habitat suitability as described below.

The biological opinion defines giant garter snake habitat to include appropriate uplands within 200 feet of aquatic habitat. Based on the project design, approximately 0.2 acre of upland habitat located within 200 feet of Telephone Cut may be affected by the project at the proposed North Gateway Interchange.

The biological opinion identifies agricultural areas supporting row crops, small grains other than rice, vineyards and orchards as unsuitable for giant garter snakes because they lack adequate cover and are subject to frequent disturbance. Other frequently disturbed areas are similarly excluded as upland habitat. The entire area of the proposed North Gateway Interchange consist either of row crops or farm access roads, neither of which is considered suitable upland areas for giant garter snakes.

For the reasons given above, no impacts to giant garter snake have been identified at the proposed North Gateway Interchange and no mitigation has been proposed. Similarly, no cumulative impacts have been identified. As stated above, this area is predominantly agricultural row crops and is generally considered unsuitable for giant garter snakes.

Response L-5: Cumulative Impacts consist of an evaluation of impacts which are created as a result of the combination of the project together with all other projects which cumulatively contribute to degradation of an environmental resource. By their very nature cumulative impacts are assessed on a macro level, while project specific impacts are assessed on a smaller scale. The purpose of a cumulative impacts analysis is to determine whether a project's contribution to an environmental resource will be rendered cumulatively considerable and thus significant or whether the project's contribution to an environmental resource will be rendered less than cumulatively considerable and thus less than significant.

Farmland impacts were deemed to not be cumulatively considerable because the project's contribution to farmland impacts was considered less than significant (see Farmland impacts section) and because the project is consistent with the City of Stockton 2035 General Plan and other relevant planning documents. Please see Response L-1 regarding discussion of Growth Inducing Impacts. It should be noted that since the proposed project accommodates and responds to future growth, but is not the impetus for growth. Therefore, conversion of farmlands has no direct association with the project. The proposed transportation facilities are provided as a result of growth where such farmland

conversions have already occurred or are anticipated to occur due to adopted plans and entitlements.

Regarding the Visual and Aesthetics' graphic Figure 2.2c, the subdivisions and roadway infrastructure shown outside the boundaries of the proposed project reflect projected 2035 land uses based on the City of Stockton General Plan and are consistent with projected land use activities envisioned in the build-out year. While the graphic presents the subdivision layout, it is not an approved project and is intended to be representative of the potential future condition. As mentioned in the Environmental Impact Report, the proposed Gateway Interchange will only be built when land use development occurs and provides the transportation demand for this project. The land use designations for the areas surrounding the project have been accepted and approved in the City and County General Plans. Development contribution from these land developments will be required for the completion of this phase of the project build-out.

Response L-6: The City of Stockton and Caltrans will include the City of Lodi in all required noticing and distributions.



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Adopt Resolution Awarding Contract for the Central Plume PCE/TCE Remedial Measures Project to Diede Construction, Inc., of Woodbridge (\$1,758,672.42) and Appropriating Funds (\$2,000,000)

MEETING DATE: March 17, 2010

PREPARED BY: Public Works Director

RECOMMENDED ACTION: Adopt a resolution awarding the contract for the Central Plume PCE/TCE Remedial Measures Project to Diede Construction, Inc., of Woodbridge, in the amount of \$1,758,672.42 and appropriating funds in the amount of \$2,000,000.

BACKGROUND INFORMATION: This project consists of design, construction, operation and maintenance of a groundwater extraction and treatment system and a soil vapor extraction and treatment system. The Central Plume Source Area is bounded by Pine Street and Oak Street and Church Street and Pleasant Avenue. The project includes two groundwater extraction wells, nine soil vapor extraction well sites (18 wells), three monitoring well sites (six wells), an approximately 600-square-foot treatment facility, electrical and control wiring, associated utility piping and site improvements; and all other associated work needed and described in the project RFP documents, plans (drawings) and specifications. Nine firms were prequalified to bid on this project. This project will be approved by the Regional Water Quality Control Board in the very near future.

Plans and specifications for this project were approved on May 6, 2009. The City received the following three bids for this project on February 23, 2010.

Bidder	Location	Bid
Engineer's Estimate		\$1,216,000.00
Diede Construction	Woodbridge	\$1,758,672.42
Engineering/Remediation Resources Group	Martinez	\$3,443,666.00
*LFR/Arcadis (non-responsive bid)	Emeryville	\$1,367,542.00

*The LFR/Arcadis bid included a "Bid Clarification" letter and has been determined to be non-responsive by the City Attorney. A city is required to reject a bid as non-responsive when the response: 1) affects the amount of the bid; 2) gives a bidder an advantage over others; 3) provides a potential vehicle for favoritism; 4) might cause other potential bidders to refrain from bidding; or 5) affects the ability to make bid comparisons (Ghillotti v City of Richmond (1996) 45 Cal.App.4th 897). Arcadis' clarifications give them an advantage, affect the amount of the bid and affect bid comparisons because they are saying they will not provide services required in the bid package.

Staff is recommending the appropriation of \$2,000,000 to cover construction costs, operating costs for two years, testing and inspection, City staff time, and contingencies.

APPROVED: _____
Blair King, City Manager

The Community Development Director has determined the project is categorically exempt under the California Environmental Quality Act pursuant to Section 15330, Class 30.

FISCAL IMPACT: Capital and Operations funding for these facilities was anticipated in the current water rate.

FUNDING AVAILABLE: Requested Appropriation:
Central Plume Settlement Funds (190) \$2,000,000

Jordan Ayers
Deputy City Manager/Internal Services Director

F. Wally Sandelin
Public Works Director

Prepared by Gary Wiman, Construction Project Manager
FWS/GW/pmf

cc: City Attorney
Purchasing Officer
Management Analyst Areida-Yadav

CITY OF LODI, CALIFORNIA

THIS CONTRACT made by and between the CITY OF LODI, State of California, herein referred to as the "City," and DIEDE CONSTRUCTION, INC., herein referred to as the "Contractor."

W I T N E S S E T H:

That the parties hereto have mutually covenanted and agreed, and by these presents do covenant and agree with each other, as follows:

The complete Contract consists of the following documents which are incorporated herein by this reference, to-wit:

Request for Design/Build Proposal
Bridging Documents
Bid Proposal (Contractor Provided Schedule of Values)
Special Provisions
Contract
Contract Bonds

1. Project Engineer Drawings:

SV G-1	EW G-1
SV C-1	EW C-1
SV C-2	EW C-2
SV M-1	EW M-1
SV M-3	EW M-2
SV M-4	EW M-3
SV E-1	EW M-4
	EW E-1

Addenda

All of the above documents, sometimes hereinafter referred to as the "Contract Documents," are intended to cooperate so that any work called for in one and not mentioned in the other is to be executed the same as if mentioned in all said documents.

ARTICLE I - That for and in consideration of the payments and agreements hereinafter mentioned, to be made and performed by the City and under the condition expressed in the two bonds bearing even date with these presents and hereunto annexed, the Contractor agrees with the City, at Contractor's cost and expense, to do all the work, furnish all labor and furnish all the materials except such as are mentioned in the specifications to be furnished by the City, necessary to construct and complete in a good workmanlike and substantial manner and to the satisfaction of the City the proposed improvements as shown and described in the Contract Documents which are hereby made a part of the Contract.

ARTICLE II - The City hereby promises and agrees with the Contractor to employ, and does hereby employ, the Contractor to provide all materials and services not supplied by the City and to do the work according to the terms and conditions for the price herein, and hereby contracts to pay the same as set forth in Clauses 65 and 66 Special Conditions, in the manner and upon the conditions above set forth; and the said parties for themselves, their heirs, executors, administrators, successors and assigns, do hereby agree to the full performance of the covenants herein contained.

ARTICLE III - The Contractor agrees to conform to the provisions of Chapter 1, Part 7, Division 2 of the Labor Code. The Contractor and any Subcontractor will pay the general prevailing wage rate and other employer payments for health and welfare, pension, vacation, travel time, and subsistence pay, apprenticeship or other training programs. The responsibility for compliance with these Labor Code requirements is on the prime contractor.

ARTICLE IV - And the Contractor agrees to receive and accept the following prices as full compensation for furnishing all materials and for doing all the work contemplated and embraced in this agreement; also for all loss or damage arising out of the nature of the work aforesaid or from the action of the elements, or from any unforeseen difficulties or obstructions which may arise or be encountered in the prosecution of the work until its acceptance by the City, and for all risks of every description connected with the work; also for all expenses incurred by or in consequence of the suspension or discontinuance of work and for well and faithfully completing the work, and the whole thereof, in the manner and according to the Plans and Contract Documents and the requirements of the Engineer under them, to-wit:

TOTAL CONTRACT AMOUNT
Guaranteed Maximum Price

\$1,758,672.42*

*Exhibit A is the Schedule of Values from Contractor dated February 23, 2010.

ARTICLE V - By my signature hereunder, as Contractor, I certify that I am aware of the provisions of Section 3700 of the Labor Code, which requires every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of that code, and I will comply with such provisions before commencing the performance of the work of this contract.

ARTICLE VI - It is further expressly agreed by and between the parties hereto that, should there be any conflict between the terms of this instrument and the Bid Proposal of the Contractor, then this instrument shall control and nothing herein shall be considered as an acceptance of the said terms of said proposal conflicting herewith.

ARTICLE VII - The City is to furnish the necessary rights-of-way and easements for the work as specified under the Special Provisions. All labor or materials not mentioned specifically as being done by the City will be supplied by the Contractor to accomplish the work as outlined in the documents.

ARTICLE VIII - The Contractor agrees to commence work pursuant to this contract and to diligently prosecute to **completion in accordance with the following schedule:**

1. Complete design and submission of plans to the City of Lodi Building Department within 120 calendar days after the Notice to Proceed;
2. Complete construction 90 calendar days after the date of the City of Lodi Building Permit issuance.
3. Total Construction Project (excluding Building Department Permit Review): 225 calendar days.
4. The Operations and Maintenance (O & M) period shall be 365 calendar days from date of City Council Acceptance of the project. O & M Term may be renewed annually as stated in the documents.

When signing this contract, the Contractor agrees that the times of completion for this contract are reasonable, that failure to meet the milestones completion shall result in the assessment of liquidated damages charges to the Contractor, and that the Contractor agrees to pay the City liquidated damages of **\$1,000.00 per day for each day the work is not totally completed** beyond the times specified in the preceding paragraph. Contractor agrees that this amount may be deducted from the amount due the Contractor under the contract.

IN WITNESS WHEREOF, the parties to these presents have hereunto set their hands the year and date written below.

CONTRACTOR:

CITY OF LODI

By: _____
Blair King, City Manager

By: _____

Date: _____


Attest:

Title

Randi Johl, City Clerk

(CORPORATE SEAL)

Approved as to form:

D. Stephen Schwabauer, City Attorney


City of Lodi
Central Plume PCE/TCE Interim Remedial Measures Improvements Project
Part A, Section 3, Schedule of Values

Item	Description	Qty	Unit	Unit Price	Total	Reference
1	Design	1	LS	\$12,750.00	\$12,750.00	
2	Bonds and Insurance	1	LS	\$53,225.64	\$53,225.64	
3	Overhead	1	LS	\$71,539.74	\$71,539.74	
4	Construction Mobilization	1	LS	\$2,121.60	\$2,121.60	
5	Construction Supervision	1	LS	\$35,769.36	\$35,769.36	
6	Health And Safety	1	LS	\$1,452.48	\$1,452.48	6-146
7	Erosion Control	1	LS	\$6,834.00	\$6,834.00	
8	Groundwater Extraction Well Location	2	Each	\$51,379.44	\$102,758.88	6-165, Details 1, 2 and 3 on EW M-2
9	1 1/2 HP Submersible Pump System Replacement	1	LS	\$4,590.00	\$4,590.00	6-152
10	5 HP Submersible Pump System Replacement	1	LS	\$8,670.00	\$8,670.00	6-152
11	Soil Vapor Extraction Well Location	9	Each	\$11,879.60	\$106,916.40	6-158, Details 1, 2 and 7 on SV M-3
12	Vapor Monitoring Well Location	3	Each	\$9,946.02	\$29,838.06	6-158, Details 3, 4, 8 and 9 on SV M-3
13	Liquid System Granular Activated Carbon (GAC)	36,000	Pound	2.70	\$97,200.00	6-153
14	Vapor System Granular Activated Carbon (GAC)	96,000	Pound	3.37	\$323,520.00	6-153
15	Excavation Safety	1	LS	\$765.00	\$765.00	
16	Combined Treatment Facility Site Demolition and Improvements	1	LS	\$5,885.40	\$5,885.40	Section 02210 and 6-80.01
17	Groundwater Treatment System Facility Materials & Equipment	1	LS	\$132,589.80	\$132,589.80	6-144, Drawings EW C-2 and EW M-1
18	Soil Vapor Treatment System Facility Materials & Equipment	1	LS	\$269,157.60	\$269,157.60	6-160, Drawings SV C-1 and SV M-1
19	Start-up and Operations and Maintenance Manual	1	LS	\$5,033.70	\$5,033.70	6-147
20	Waste Disposal (Knockout Drum Water)	1,000	Gallon	2.04	\$2,040.00	6-161
21	Controlled Density Fill	500	Cubic Yard	84.66	\$42,330.00	6-19.02 and 6-19.07
22	Asphalt Paving	200	Ton	71.40	\$14,280.00	6-39.01 & 6-39.04
23	Electrical	1	LS	\$8,670.00	\$8,670.00	6-168
24	Year 1 Operation, Maintenance, Sampling and Reporting	12	Month	7,562.54	\$90,750.48	6-145, 6-148, 6-149, 6-150, 6-162 and RWQCB and SJVAPCD Requirements
25	All other items needed for a complete and operational System	1	LS	\$312,111.84	\$312,111.84	
26	Profit	1	LS	\$17,872.44	\$17,872.44	
	Total Guaranteed Maximum Price				\$1,758,672.42	Total of above items 1 - 26. This amount should be the same amount entered on RFP Part B as the Guaranteed Maximum Price.

Y2-1	Year 2 Operation, Maintenance, Sampling and Reporting	12	Month	4,080.00	\$48,960.00	6-145, 6-148, 6-149, 6-150, 6-162 and RWQCB and SJVAPCD Requirements
Y2-2	Liquid System Granular Activated Carbon (GAC)	36,000	Pound	3.23	\$116,280.00	6-153
Y2-3	Vapor System Granular Activated Carbon (GAC)	96,000	Pound	4.06	\$389,760.00	6-153
Y2-4	Waste Disposal (Knockout Drum Water)	1,000	Gallon	3.87	\$3,870.00	6-161
	Total Year 2 Operation, Maintenance, Sampling and Reporting				\$558,870.00	Total of items Y2-1 - Y2-4. This amount, divided by 12, should be the same amount entered on RFP Part B as the Year 2 Monthly cost.

Diède Construction, Inc.

Firm

Signature

Date

SUBCONTRACTOR'S LIST

Name/Address	Portion of Work	License Number
Conti & Associates, Inc. Woodbridge	Design	
Craig Drilling & Testing, Inc. Martinez	Drilling	485165
Pore Effect, Inc. Orange	Treatment System	825682
B & H Electric, Inc. Lodi	Electrical	678435
Haley Contracting Stockton	Piping	580907
WGR Los Alamitos	Quality Control	755455
Diede Construction, Inc.		
Steven L. Diede, President		

RESOLUTION NO. 2010-_____

A RESOLUTION OF THE LODI CITY COUNCIL AWARDING
CONTRACT FOR CENTRAL PLUME PCE/TCE REMEDIAL MEASURES
PROJECT AND FURTHER APPROPRIATING FUNDS

=====

WHEREAS, in answer to notice duly published in accordance with law and the order of this City Council, sealed bids were received and publicly opened on February 23, 2010, at 2:00 p.m. for the Central Plume PCE/TCE Interim Remedial Measures Project, described in the plans and specifications therefore approved by the City Council on May 6, 2009; and

WHEREAS, said bids have been checked and tabulated and a report thereof filed with the City Manager as follows:

Bidder	Bid
Diède Construction	\$1,758,672.42
Engineering/Remediation Resources Group	\$3,443,666.00
LFR/Arcadis (non-responsive bid)	\$1,367,542.00

WHEREAS, the LFR/Arcadis bid included a "Bid Clarification" letter and has been determined to be non-responsive by the City Attorney; and

WHEREAS, staff recommends awarding the contract for the Central Plume PCE/TCE Interim Remedial Measures Project to the low bidder, Diède Construction, Inc., of Woodbridge, California; and

WHEREAS, staff is recommending the appropriation of \$2,000,000 to cover construction costs, testing and inspection, City staff time, and contingencies.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby award the contract for the Central Plume PCE/TCE Interim Remedial Measures Project to the low bidder, Diède Construction, Inc., of Woodbridge, California, in the amount of \$1,758,672.42; and

BE IT FURTHER RESOLVED that funds in the amount of \$2,000,000 be appropriated from Central Plume Settlement Funds.

Dated: March 17, 2010

=====

I hereby certify that Resolution No. 2010-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held March 17, 2010, by the following vote:

AYES: COUNCIL MEMBERS –
NOES: COUNCIL MEMBERS –
ABSENT: COUNCIL MEMBERS –
ABSTAIN: COUNCIL MEMBERS –

RANDI JOHL
City Clerk



TM

CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Ordinance No. 1829 Entitled, "An Ordinance of the City Council of the City of Lodi Amending Lodi Municipal Code Title 15 – Buildings and Construction – by Repealing and Reenacting Chapter 15.60, "Flood Damage Prevention"; and Amending Lodi Municipal Code Title 17 – Zoning – by Repealing Chapter 17.51 in Its Entirety Relating to FP, Floodplain District"

MEETING DATE: March 17, 2010

PREPARED BY: City Clerk

RECOMMENDED ACTION: Motion waiving reading in full and (following reading by title) adopting the attached Ordinance No. 1829.

BACKGROUND INFORMATION: Ordinance No. 1829 entitled, "An Ordinance of the City Council of the City of Lodi Amending Lodi Municipal Code Title 15 – Buildings and Construction – by Repealing and Reenacting Chapter 15.60, "Flood Damage Prevention"; and Amending Lodi Municipal Code Title 17 – Zoning – by Repealing Chapter 17.51 in Its Entirety Relating to FP, Floodplain District" was introduced at the regular City Council meeting of March 3, 2010.

ADOPTION: With the exception of urgency ordinances, no ordinance may be passed within five days of its introduction. Two readings are therefore required – one to introduce and a second to adopt the ordinance. Ordinances may only be passed at a regular meeting or at an adjourned regular meeting; except for urgency ordinances, ordinances may not be passed at a special meeting. Id. All ordinances must be read in full either at the time of introduction or at the time of passage, unless a regular motion waiving further reading is adopted by a majority of all council persons present. **Cal. Gov't Code § 36934.**

Ordinances take effect 30 days after their final passage. **Cal. Gov't Code § 36937.**
This ordinance has been approved as to form by the City Attorney.

FISCAL IMPACT: None.

FUNDING AVAILABLE: None required.

Randi Johl
City Clerk

RJ/jmr
Attachment

APPROVED: _____
Blair King, City Manager

ORDINANCE NO. 1829

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LODI
AMENDING LODI MUNICIPAL CODE TITLE 15 – BUILDINGS AND
CONSTRUCTION – BY REPEALING AND REENACTING CHAPTER 15.60,
“FLOOD DAMAGE PREVENTION”; AND AMENDING LODI MUNICIPAL
CODE TITLE 17 – ZONING – BY REPEALING CHAPTER 17.51 IN ITS
ENTIRETY RELATING TO FP, FLOODPLAIN DISTRICT

=====

BE IT ORDAINED BY THE LODI CITY COUNCIL AS FOLLOWS:

SECTION 1. Title 15 – Buildings and Construction – of the Lodi Municipal Code is hereby amended by repealing and reenacting Chapter 15.60 in its entirety relating to Flood Damage Prevention and shall read as follows:

Chapter 15.60

FLOOD DAMAGE PREVENTION

ARTICLE I: GENERAL PROVISIONS

SECTIONS:

- 15.60.010 Statutory Authorization
- 15.60.020 Findings of Fact
- 15.60.030 Statement of Purpose
- 15.60.040 Methods of Reducing Flood Losses
- 15.60.050 Definitions
- 15.60.060 Lands to Which This Ordinance Applies
- 15.60.070 Basis for Establishing the Areas of Special Flood Hazard
- 15.60.080 Compliance
- 15.60.090 Abrogation and Greater Restrictions
- 15.60.100 Interpretation
- 15.60.110 Warning and Disclaimer of Liability

ARTICLE II: ADMINISTRATION

- 15.60.120 Designation of the Floodplain Administrator
- 15.60.130 Duties and Responsibilities of the Floodplain Administrator
- 15.60.140 Development Permit
- 15.60.150 Permitted Uses – Generally
- 15.60.160 Permitted Uses – Use Permit and State Approvals
- 15.60.170 Prohibited Uses.

ARTICLE III: PROVISIONS FOR FLOOD HAZARD REDUCTION

- 15.60.180 Standards of Construction
- 15.60.190 Standards for Utilities
- 15.60.200 Standards for Subdivisions and Other Proposed Development

- 15.60.210 Standards for Manufactured Homes
- 15.60.220 Standards for Recreational Vehicles
- 15.60.230 Floodways

ARTICLE IV: VARIANCE PROCEDURE

- 15.60.240 Nature of Variances
- 15.60.250 Conditions for Variances
- 15.60.260 Appeals

ARTICLE I: GENERAL PROVISIONS

SECTION 15.60.10 - STATUTORY AUTHORIZATION.

The Legislature of the State of California has in Government Code Sections 65302, 65560, and 65800 conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City Council of the City of Lodi does hereby adopt the following floodplain management regulations; and

SECTION 15.60.20 - FINDINGS OF FACT.

A. The flood hazard areas of the City of Lodi are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare; and

B. These flood losses are caused by uses that are inadequately elevated, flood-proofed, or protected from flood damage. The cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities also contributes to flood losses.

SECTION 15.60.030 - STATEMENT OF PURPOSE.

It is the purpose of this ordinance to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by legally enforceable regulations applied uniformly throughout the community to all publicly and privately-owned land within flood prone, mudslide [i.e. mudflow], or flood related erosion areas. These regulations are designed to:

1. Protect human life and health;
2. Minimize expenditure of public money for costly flood control projects;
3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

4. Minimize prolonged business interruptions;
5. Minimize damage to public facilities and utilities such as water and gas mains; electric, telephone and sewer lines; and streets and bridges located in areas of special flood hazard;
6. Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future blighted areas caused by flood damage;
7. Ensure that potential buyers are notified that property is in an area of special flood hazard; and
8. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

SECTION 15.60.040 - METHODS OF REDUCING FLOOD LOSSES.

In order to accomplish its purposes, this ordinance includes regulations to:

1. Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or flood heights or velocities;
2. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
3. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel floodwaters;
4. Control filling, grading, dredging, and other development which may increase flood damage;
5. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas;

SECTION 15.60.050 - DEFINITIONS.

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

- A. "A zone" - see "Special flood hazard area."
- B. "Accessory structure" means a structure that is either:
 1. Solely for the parking of no more than 2 cars; or
 2. A small, low-cost shed for limited storage, less than 120 square feet.
- C. "Accessory use" means a use which is incidental and subordinate to the principal use of the parcel of land on which it is located.

D. "Alluvial fan" means a geomorphologic feature characterized by a cone or fan-shaped deposit of boulders, gravel, and fine sediments that have been eroded from mountain slopes, transported by flood flows, and then deposited on the valley floors, and which is subject to flash flooding, high velocity flows, debris flows, erosion, sediment movement and deposition, and channel migration.

E. "Apex" means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

F. "Appeal" means a request for a review of the Floodplain Administrator's interpretation of any provision of this ordinance.

G. "Area of shallow flooding" means a designated AO or AH Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

H. "Area of special flood hazard" - See "Special flood hazard area."

I. "Base flood" means a flood which has a one percent chance of being equaled or exceeded in any given year (also called the "100-year flood").

J. "Base flood elevation" (BFE) means the elevation shown on the Flood Insurance Rate Map for Zones AE, AH, A1-30, VE and V1-V30 that indicates the water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.

K. "Basement" means any area of the building having its floor subgrade - i.e., below ground level - on all sides.

L. "Building" - see "Structure."

M. "Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations or storage of equipment or materials.

N. "Encroachment" means the advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures, or development into a floodplain which may impede or alter the flow capacity of a floodplain.

O. "Existing manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before March 1, 1978.

P. "Expansion to an existing manufactured home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

- Q. "Flood, flooding, or flood water" means:
1. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters; the unusual and rapid accumulation or runoff of surface waters from any source; and/or mudslides (i.e., mudflows); and
 2. The condition resulting from flood-related erosion.
- R. "Flood Boundary and Floodway Map (FBFM)" means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the floodway.
- S. "Flood Insurance Rate Map (FIRM)" means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.
- T. "Flood Insurance Study" means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.
- U. "Floodplain or flood-prone area" means any land area susceptible to being inundated by water from any source - see "Flooding."
- V. "Floodplain Administrator" is the community official designated by title to administer and enforce the floodplain management regulations.
- W. "Floodplain management" means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.
- X. "Floodplain management regulations" means this ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as grading and erosion control) and other application of police power which control development in flood-prone areas. This term describes federal, state, or local regulations in any combination thereof which provide standards for preventing and reducing flood loss and damage.
- Y. "Floodproofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents. For guidelines on dry and wet floodproofing, see FEMA Technical Bulletins TB 1-93, TB 3-93, and TB 7-93.
- Z. "Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. Also referred to as "Regulatory Floodway."

AA. "Floodway fringe" is that area of the floodplain on either side of the "Regulatory Floodway" where encroachment may be permitted.

BB. "Fraud and victimization" as related to Section 15.60.240 and Section 15.60.250 of this ordinance, means that the variance granted must not cause fraud on or victimization of the public. In examining this requirement, the City of Lodi will consider the fact that every newly constructed building adds to government responsibilities and remains a part of the community for fifty to one-hundred years. Buildings that are permitted to be constructed below the base flood elevation are subject during all those years to increased risk of damage from floods, while future owners of the property and the community as a whole are subject to all the costs, inconvenience, danger, and suffering that those increased flood damages bring. In addition, future owners may purchase the property, unaware that it is subject to potential flood damage, and can be insured only at very high flood insurance rates.

CC. "Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long-term storage or related manufacturing facilities.

DD. "Governing body" is the local governing unit, i.e. county or municipality that is empowered to adopt and implement regulations to provide for the public health, safety, and general welfare of its citizenry.

EE. "Hardship" as related to Section 15.60.240 of this ordinance means the exceptional hardship that would result from a failure to grant the requested variance. The City of Lodi requires that the variance be exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

FF. "Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

GG. "Historic structure" means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or

4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states without approved programs.

HH. "Levee" means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

II. "Levee system" means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accord with sound engineering practices.

JJ. "Lowest floor" means the lowest floor of the lowest enclosed area, including basement (see "Basement" definition).

1. An unfinished or flood resistant enclosure below the lowest floor that is usable solely for parking of vehicles, building access or storage in an area other than a basement area, is not considered a building's lowest floor provided it conforms to applicable non-elevation design requirements, including, but not limited to:
 - a. The flood openings standard in Section 15.60.180 C-3;
 - b. The anchoring standards in Section 15.60.180 A;
 - c. The construction materials and methods standards in Section 15.60.180 B;
 - d. The standards for utilities in Section 15.60.190.

KK. "Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

LL. "Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MM. "Market value" is defined in the City of Lodi substantial damage/improvement procedures. See Section 15.60.130 B-1.

NN. "Mean sea level" means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

OO. "New construction," for floodplain management purposes, means structures for which the "start of construction" commenced on or after April 16, 2010, and includes any subsequent improvements to such structures.

PP. "New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after March 1, 1978.

QQ. "Obstruction" includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation, or other material in, along, across, or projecting into any watercourse which may alter, impede, retard, or change the direction and/or velocity of the flow of water, or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

RR. "One-hundred-year flood" or "100-year flood" - see "Base flood."

SS. "Program deficiency" means a defect in a community's floodplain management regulations or administrative procedures that impairs effective implementation of those floodplain management regulations.

TT. "Public safety and nuisance" as related to Section 15.60.240 and Section 15.60.250 of this ordinance, means that the granting of a variance must not result in anything which is injurious to safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

UU. "Recreational vehicle" means a vehicle which is:

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light-duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

VV. "Regulatory floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

WW. "Remedy a violation" means to bring the structure or other development into compliance with State or local floodplain management regulations, or if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damage, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing State or Federal financial exposure with regard to the structure or other development.

XX. "Riverine" means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

YY. "Sheet flow area" - see "Area of shallow flooding."

ZZ. "Special flood hazard area (SFHA)" means an area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. It is shown on an FHBM or FIRM as Zone A, AO, A1-A30, AE, A99, or, AH.

AAA. "Start of construction" includes substantial improvement and other proposed new development and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

BBB. "Structure" means a walled and roofed building that is principally above ground; this includes a gas or liquid storage tank or a manufactured home.

CCC. "Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

DDD. "Substantial improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

Any project for improvement of a structure to correct existing violations or state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

EEE. "Variance" means a grant of relief from the requirements of this ordinance which permits construction in a manner that would otherwise be prohibited by this ordinance.

FFF. "Violation" means the failure of a structure or other development to be fully

compliant with this ordinance. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

GGG. "Water surface elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

HHH. "Watercourse" means a lake, river, creek, stream, wash, arroyo, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

SECTION 15.60.060 - LANDS TO WHICH THIS ORDINANCE APPLIES.

This ordinance shall apply to all areas of special flood hazards within the jurisdiction of City of Lodi.

SECTION 15.60.070 - BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD.

The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in the "Flood Insurance Study (FIS) for San Joaquin County, California, and Incorporated Areas" dated October 16, 2009, with accompanying Flood Insurance Rate Maps (FIRM's) and Flood Boundary and Floodway Maps (FBFM's), dated October 16, 2009, and all subsequent amendments and/or revisions, are hereby adopted by reference and declared to be a part of this ordinance. This FIS and attendant mapping is the minimum area of applicability of this ordinance and may be supplemented by studies for other areas which allow implementation of this ordinance and which are recommended to the City of Lodi by the Floodplain Administrator. The study, FIRM's and FBFM's are on file at the City of Lodi Public Works Department, 221 West Pine Street, Lodi, California, 95240.

SECTION 15.60.080 - COMPLIANCE.

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the requirements (including violations of conditions and safeguards) shall constitute a misdemeanor. Nothing herein shall prevent the City of Lodi from taking such lawful action as is necessary to prevent or remedy any violation.

SECTION 15.60.090 - ABROGATION AND GREATER RESTRICTIONS.

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

SECTION 15.60.100 - INTERPRETATION.

In the interpretation and application of this ordinance, all provisions shall be:

- A. Considered as minimum requirements;
- B. Liberally construed in a manner most protective of property and human health and safety; and
- C. Deemed neither to limit nor repeal any other powers granted under state statutes.

SECTION 15.60.110 - WARNING AND DISCLAIMER OF LIABILITY.

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of City of Lodi, any officer or employee thereof, the State of California, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

ARTICLE II: ADMINISTRATION

SECTION 15.60.120 - DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR.

The Public Works Director is hereby appointed to administer, implement, and enforce this ordinance by granting or denying development permits in accord with its provisions.

SECTION 15.60.130 - DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR.

The duties and responsibilities of the Floodplain Administrator shall include, but not be limited to the following:

A. Permit Review.

Review all development permits to determine:

- 1. Permit requirements of this ordinance have been satisfied, including determination of substantial improvement and substantial damage of existing structures;
- 2. All other required state and federal permits have been obtained;
- 3. The site is reasonably safe from flooding;
- 4. The proposed development does not adversely affect the carrying capacity of areas where base flood elevations have been determined but a floodway has not been designated. This means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than 1 foot at any point within the City of Lodi;

5. All Letters of Map Revision (LOMR's) for flood control projects are approved prior to the issuance of building permits. Building Permits must not be issued based on Conditional Letters of Map Revision (CLOMR's). Approved CLOMR's allow construction of the proposed flood control project and land preparation as specified in the "start of construction" definition.
- B. Development of Substantial Improvement and Substantial Damage Procedures.
1. Using FEMA publication FEMA 213, "Answers to Questions About Substantially Damaged Buildings," develop detailed procedures for identifying and administering requirements for substantial improvement and substantial damage, to include defining "Market Value."
 2. Assure procedures are coordinated with other departments/divisions and implemented by City staff.
- C. Review, Use, and Development of Other Base Flood Data.
- When base flood elevation data has not been provided in accordance with Section 15.60.070, the Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal or state agency, or other source, in order to administer Article III Provisions for Flood Hazard Reduction.
- NOTE: A base flood elevation may be obtained using one of two methods from the FEMA publication, FEMA 265, "Managing Floodplain Development in Approximate Zone A Areas – A Guide for Obtaining and Developing Base (100-year) Flood Elevations" dated July 1995.
- D. Notification of Other Agencies.
1. Alteration or relocation of a watercourse:
 - a. Notify adjacent communities and the California Department of Water Resources prior to alteration or relocation;
 - b. Submit evidence of such notification to the Federal Emergency Management Agency;
 - c. Assure that the flood carrying capacity within the altered or relocated portion of said watercourse is maintained.
 2. Base Flood Elevation changes due to physical alterations:
 - a. Within 6 months of information becoming available or project completion, whichever comes first, the floodplain administrator shall submit or assure that the permit applicant submits technical or scientific data to FEMA for a Letter of Map Revision (LOMR).

- b. All LOMR's for flood control projects are approved prior to the issuance of building permits. Building Permits must not be issued based on Conditional Letters of Map Revision (CLOMR's). Approved CLOMR's allow construction of the proposed flood control project and land preparation as specified in the "start of construction" definition.
- c. Such submissions are necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements are based on current data.

3. Changes in corporate boundaries:

Notify FEMA in writing whenever the corporate boundaries have been modified by annexation or other means and include a copy of a map of the community clearly delineating the new corporate limits.

E. Documentation of Floodplain Development.

Obtain and maintain for public inspection and make available as needed the following:

- 1. Certification required by Section 15.60.180 C-1 and Section 15.60.210 (lowest floor elevations);
- 2. Certification required by Section 15.60.180 C-2 (elevation or floodproofing of nonresidential structures);
- 3. Certification required by Section 15.60.180 C-3 (wet floodproofing standard);
- 4. Certification of elevation required by Section 15.60.200 A-3 (subdivisions and other proposed development standards);
- 5. Certification required by Section 15.60.230 B (floodway encroachments); and
- 6. Maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted to the Federal Emergency Management Agency.

F. Map Determination.

Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazard, where there appears to be a conflict between a mapped boundary and actual field conditions. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 15.60.260.

G. Remedial Action.

Take action to remedy violations of this ordinance as specified in Section 15.60.080.

H. Biennial Report. Complete and submit Biennial Report to FEMA.

I. Planning.

Assure community's General Plan is consistent with floodplain management objectives herein.

SECTION 15.60.140 - DEVELOPMENT PERMIT.

No structure or land shall, after the effective date of the ordinance codified in this chapter, be located, extended, converted or altered within FP (floodplain) zoned lands without full compliance with the terms of this chapter, and without having first received a development or construction permit in accordance with the provisions of this title and, for developments requiring use permits, with the provisions of Lodi Municipal Code Sections 17.72.040 through 17.72.110. Development permit applications shall be reviewed by the Community Development Director and the requirements of this chapter enforced in accordance with Lodi Municipal Code Sections 17.87.060 through 17.87.090.

A development permit shall be obtained before any construction or other development, including manufactured homes, within any area of special flood hazard established in Section 15.60.070. Application for a development permit shall be made on forms furnished by the City of Lodi. The applicant shall provide the following minimum information:

A. Plans in duplicate, drawn to scale, showing:

1. Location, dimensions, and elevation of the area in question, existing or proposed structures, storage of materials and equipment and their location;
2. Proposed locations of water supply, sanitary sewer, and other utilities;
3. Grading information showing existing and proposed contours, any proposed fill, and drainage facilities;
4. Location of the regulatory floodway when applicable;
5. Base flood elevation information as specified in Section 15.60.070 or Section 15.60.130 C;
6. Proposed elevation in relation to mean sea level, of the lowest floor (including basement) of all structures; and
7. Proposed elevation in relation to mean sea level to which any nonresidential structure will be floodproofed, as required in Section 15.60.180 C-2 of this ordinance and detailed in FEMA Technical Bulletin TB 3-93.

B. Certification from a registered civil engineer or architect that the nonresidential floodproofed building meets the floodproofing criteria in Section 15.60.180 C-2.

- C. For a crawl-space foundation, location and total net area of foundation openings as required in Section 15.60.180 C-3 of this ordinance and detailed in FEMA Technical Bulletins 1-93 and 7-93.
- D. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
- E. All appropriate certifications listed in Section 15.60.130 E of this ordinance.

SECTION 15.60.150 - PERMITTED USES - GENERALLY.

The following uses are permitted without a use permit where modification or removal of native vegetation, including trees, is not required:

- A. Agriculture;
- B. Open space agricultural uses not requiring a closed building such as cropland, orchards, and livestock feeding and grazing;
- C. The storage of farm machinery which is readily removable from the area within the time available after a flood warning;
- D. Recreational; firmly anchored recreational floating docks;
- E. Modification of native vegetation: Where modification or removal of native vegetation is required, such modification or removal may be permitted after obtaining a development permit consisting of written approval from the Community Development Director; provided, that such proposed modifications in the floodplain have been found to be consistent with the open space conservation element of the general plan.

SECTION 15.60.160 - PERMITTED USES – USE PERMIT AND STATE APPROVALS.

The following uses may be permitted after approval of a conditional use permit by the City and after approval by the State Department of Fish and Game and the Reclamation Board of the state; provided, that as determined by said Reclamation Board, a combination of such uses within the floodplain does not materially increase the flood height of the intermediate regional floodplain; and provided further, that as determined by the State Department of Fish and Game, full mitigation measures will be used to protect and enhance the trees, native plant materials and wildlife in the floodplain, in accordance with good fish and game practices and in accordance with the general standards listed under Article III “Provisions for Flood Hazard Reduction” of this Ordinance:

- A. Residential dwellings on existing undeveloped lots in subdivisions approved before January 1, 1977;
- B. Outdoor recreational facilities:

Campgrounds
Boating facilities
Parks
Golf courses or driving ranges
Athletic fields
Shooting ranges

- C. Fences, fills, walls, excavations, or other appurtenances which do not constitute an obstruction or debris-catching obstacle to the passage of floodwaters and which are consistent with the open space-conservation element policies;
- D. Private drives, bridges, and public utility wires and pipelines for transmission and distribution;
- E. Improvements in stream channel alignment, cross-section and capacity, including modification of riverbank and flood protection levees;
- F. Structures that are designed to have a minimum effect upon the flow of water and are firmly anchored to prevent the structure from flotation (excepting floating docks); provided, that no structures for human habitation is permitted;
- G. Other similar uses of a type not appreciably damaged by floodwaters.

SECTION 15.60.170 - PROHIBITED USES.

In the areas of special flood hazard for residential structures, all subgrade enclosed areas are prohibited as they are considered to be basements (see "Basement" definition). This prohibition includes below-grade garages and storage areas.

ARTICLE III: PROVISIONS FOR FLOOD HAZARD REDUCTION

SECTION 15.60.180 - STANDARDS OF CONSTRUCTION.

In all areas of special flood hazards the following standards are required:

- A. Anchoring.

All new construction and substantial improvements of structures, including manufactured homes, shall be adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

- B. Construction Materials and Methods.

All new construction and substantial improvements of structures, including manufactured homes, shall be constructed:

1. With flood resistant materials, and utility equipment resistant to flood damage for areas below the base flood elevation;
2. Using methods and practices that minimize flood damage;
3. With electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding; and
4. Within Zones AH or AO, so that there are adequate drainage paths around structures on slopes to guide flood waters around and away from proposed structures.

C. Elevation and Floodproofing.

1. Residential construction.

All new construction or substantial improvements of residential structures shall have the lowest floor, including basement:

- a. In AE, AH, A1-30 Zones, elevated to eighteen inches or more above the base flood elevation.
- b. In an AO zone, elevated above the highest adjacent grade to a height equal to or exceeding the depth number specified in feet on the FIRM, or elevated at least 2 feet above the highest adjacent grade if no depth number is specified.
- c. In an A zone, without BFE's specified on the FIRM [unnumbered A zone], elevated to eighteen inches or more above the base flood elevation; as determined under Section 15.60.130 C.

Upon the completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered civil engineer or licensed land surveyor, and verified by the community building inspector to be properly elevated. Such certification and verification shall be provided to the Floodplain Administrator.

2. Nonresidential construction.

All new construction or substantial improvements of nonresidential structures shall either be elevated to conform with Section 15.60.180 C-1 or:

- a. Be floodproofed, together with attendant utility and sanitary facilities, below the elevation recommended under Section 15.60.180 C-1, so that the structure is watertight with walls substantially impermeable to the passage of water;

- b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
 - c. Be certified by a registered civil engineer or architect that the standards of Section 15.60.180 C-2.a &b are satisfied. Such certification shall be provided to the Floodplain Administrator.
3. Flood openings.

All new construction and substantial improvements of structures with fully enclosed areas below the lowest floor (excluding basements) that are usable solely for parking of vehicles, building access or storage, and which are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must meet the following minimum criteria:

- a) For non-engineered openings:
 - 1. Have a minimum of two openings on different sides having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - 2. The bottom of all openings shall be no higher than one foot above grade;
 - 3. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwater; and
 - 4. Buildings with more than one enclosed area must have openings on exterior walls for each area to allow flood water to directly enter; or
 - b) Be certified by a registered civil engineer or architect.
4. Manufactured homes. See Section 15.60.210.
5. Garages and low cost accessory structures.
- a) Attached garages.
 - 1. A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry of flood waters. See Section 15.60.180 C-3. Areas of the garage below the BFE must be constructed with flood resistant materials. See Section 15.60.180 B.

2. A garage attached to a nonresidential structure must meet the above requirements or be dry floodproofed. For guidance on below grade parking areas, see FEMA Technical Bulletin TB-6.

b) Detached garages and accessory structures.

1. "Accessory structures" used solely for parking (2 car detached garages or smaller) or limited storage (small, low-cost sheds), as defined in Section 15.60.050, may be constructed such that its floor is below the base flood elevation (BFE), provided the structure is designed and constructed in accordance with the following requirements:
 - i) Use of the accessory structure must be limited to parking or limited storage;
 - ii) The portions of the accessory structure located below the BFE must be built using flood-resistant materials;
 - iii) The accessory structure must be adequately anchored to prevent flotation, collapse and lateral movement;
 - iv) Any mechanical and utility equipment in the accessory structure must be elevated or floodproofed to eighteen inches or more above the BFE;
 - v) The accessory structure must comply with floodplain encroachment provisions in Section 15.60.230; and
 - vi) The accessory structure must be designed to allow for the automatic entry of flood waters in accordance with Section 15.60.180 C-3.
2. Detached garages and accessory structures not meeting the above standards must be constructed in accordance with all applicable standards in Section 15.60.180.

SECTION 15.60.190 - STANDARDS FOR UTILITIES.

- A. All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate:
 1. Infiltration of flood waters into the systems;
 2. Discharge from the systems into flood waters.

- B. On-site waste disposal systems shall be located to avoid impairment to them, or contamination from them during flooding.

SECTION 15.60.200 - STANDARDS FOR SUBDIVISIONS AND OTHER PROPOSED DEVELOPMENT.

- A. All new subdivisions proposals and other proposed development, including proposals for manufactured home parks and subdivisions, greater than 50 lots or 5 acres, whichever is the lesser, shall:
 - 1. Identify the Special Flood Hazard Areas (SFHA) and Base Flood Elevations (BFE).
 - 2. Identify the elevations of lowest floors of all proposed structures and pads on the final plans.
 - 3. If the site is filled above the base flood elevation, the following as-built information for each structure shall be certified by a registered civil engineer or licensed land surveyor and provided as part of an application for a Letter of Map Revision based on Fill (LOMR-F) to the Floodplain Administrator:
 - a. Lowest floor elevation.
 - b. Pad elevation.
 - c. Lowest adjacent grade.
- B. All subdivision proposals and other proposed development shall be consistent with the need to minimize flood damage.
- C. All subdivision proposals and other proposed development shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
- D. All subdivisions and other proposed development shall provide adequate drainage to reduce exposure to flood hazards.

SECTION 15.60.210 - STANDARDS FOR MANUFACTURED HOMES.

- A. All manufactured homes that are placed or substantially improved, on sites located: (1) outside of a manufactured home park or subdivision; (2) in a new manufactured home park or subdivision; (3) in an expansion to an existing manufactured home park or subdivision; or (4) in an existing manufactured home park or subdivision upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall:
 - 1. Within Zones A1-30, AH, and AE on the community's Flood Insurance Rate Map, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to eighteen inches or more above the base flood elevation and be securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

- B. All manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1-30, AH, and AE on the community's Flood Insurance Rate Map that are not subject to the provisions of Section 15.60.210 A will be securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement, and be elevated so that either the:
 - 1. Lowest floor of the manufactured home is at eighteen inches or more above the base flood elevation; or
 - 2. Manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade.

Upon the completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered civil engineer or licensed land surveyor, and verified by the community building inspector to be properly elevated. Such certification and verification shall be provided to the Floodplain Administrator.

SECTION 15.60.220 - STANDARDS FOR RECREATIONAL VEHICLES.

- A. All recreational vehicles placed in Zones A1-30, AH, and AE will either:
 - 1. Be on the site for fewer than 180 consecutive days; or
 - 2. Be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
 - 3. Meet the permit requirements of Section 15.60.140 of this ordinance and the elevation and anchoring requirements for manufactured homes in Section 15.60.210 A.

SECTION 15.60.230 - FLOODWAYS.

Since floodways are an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

- A. Until a regulatory floodway is adopted, no new construction, substantial development, or other development (including fill) shall be permitted within Zones A1-30 and AE, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other development, will not increase the water surface elevation of the base flood more than 1 foot at any point within the City of Lodi.
- B. Within an adopted regulatory floodway, the City of Lodi shall prohibit encroachments, including fill, new construction, substantial

improvements, and other development, unless certification by a registered civil engineer is provided demonstrating that the proposed encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.

- C. If Sections 15.60.230 A & B are satisfied, all new construction, substantial improvement, and other proposed new development shall comply with all other applicable flood hazard reduction provisions of Article III of this Ordinance.

ARTICLE IV: VARIANCE PROCEDURE

SECTION 15.60.240 - NATURE OF VARIANCES.

The issuance of a variance is for floodplain management purposes only. Insurance premium rates are determined by statute according to actuarial risk and will not be modified by the granting of a variance.

The variance criteria set forth in this section of the ordinance are based on the general principle of zoning law that variances pertain to a piece of property and are not personal in nature. A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this ordinance would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants, or the property owners.

The need to protect citizens from flooding is so compelling and the implications of the cost of insuring a structure built below flood level are so serious that variances from the flood elevation or from other requirements in the flood ordinance are quite rare. The long term goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited. Therefore, the variance guidelines provided in this ordinance are more detailed and contain multiple provisions that must be met before a variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate.

Variances may not be granted that would permit fraud and victimization of the public or that would present a threat to public safety or create a nuisance.

SECTION 15.60.250 - CONDITIONS FOR VARIANCES.

- A. Generally, variances may be issued for new construction, substantial improvement, and other proposed new development to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing that the procedures of Sections 15.60.120 – 15.60.170, and Sections 15.60.180 – 15.60.230 of this ordinance have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.

- B. Variances may be issued for the repair or rehabilitation of "historic structures" (as defined in Section 15.60.050 of this ordinance) upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- C. Variances shall not be issued within any mapped regulatory floodway if any increase in flood levels during the base flood discharge would result.
- D. Variances shall only be issued upon a determination that the variance is the "minimum necessary" considering the flood hazard, to afford relief. "Minimum necessary" means to afford relief with a minimum of deviation from the requirements of this ordinance. For example, in the case of variances to an elevation requirement, this means the City of Lodi need not grant permission for the applicant to build at grade, or even to whatever elevation the applicant proposes, but only to that elevation which the City of Lodi believes will both provide relief and preserve the integrity of the local ordinance.
- E. Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that:
 - 1. The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage, and
 - 2. Such construction below the base flood level increases risks to life and property. It is recommended that a copy of the notice shall be recorded by the Floodplain Administrator in the Office of the San Joaquin County Recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.
- F. The Floodplain Administrator will maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted to the Federal Emergency Management Agency.

SECTION 15.60.260 - APPEALS.

The City Council of the City of Lodi shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made the Floodplain Administrator in the enforcement or administration of this ordinance.

SECTION 2. Title 17 – “Zoning” of the Lodi Municipal Code is hereby amended by repealing Chapter 17.51 in its entirety relating to FP Floodplain District.

SECTION 3. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council of the City of Lodi hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional or invalid or ineffective.

SECTION 4. No Mandatory Duty of Care. This Ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

SECTION 5. Conflict. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 6. Effective Date. This ordinance shall be published one time in the "Lodi News-Sentinel," a daily newspaper of general circulation printed and published in the City of Lodi, and shall take effect thirty (30) days from and after its passage and approval.

Approved this 17th day of March, 2010

PHIL KATZAKIAN
Mayor

ATTEST:

RANDI JOHL
City Clerk

State of California
County of San Joaquin, ss.

I, Randi Johl, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1829 was introduced at a regular meeting of the City Council of the City of Lodi held March 3, 2010, and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held March 17, 2010, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

I further certify that Ordinance No. 1829 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

RANDI JOHL
City Clerk

Approved to Form:

D. STEPHEN SCHWABAUER
City Attorney